



# Unit H

## Redress Mechanisms

Version: 1.2

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# Introduction

C's journey, through from pre-shopping advice to the possibility of taking a T to court, was introduced in unit A and has been followed throughout the previous units. This unit concentrates on the final stages of that journey, explaining the options that may be available to deal with C's issue, depending to some extent on what stage C has reached.

The stages of C's journey addressed in this unit are as indicated below:



The main role of the Citizens Advice consumer service is to provide C with relevant information and advice to enable informed decision making and next step actions so that matters can be resolved efficiently and effectively where possible. Considering ADR before court is required by the Civil Procedure Rules (CivPRs, Rule 1.4). In addition, it is possible that C's problem may reveal some enforcement matters for referral to TSS.

The sections to be covered in this unit are:

- H1: The consumer journey
- H2: Consumer advice
- H3: Alternative dispute resolution
- H4: Going to court

# H1 The consumer journey

The journey C takes when considering whether to buy something, through to taking the matter through the courts if there is a problem that is not resolved earlier, is as follows:



The units that examined what happens and what might be available to help C at each of these stages, are highlighted in table H1:

**Table H1: Coverage of C’s journey through the units**

Stage of consumer journey	Relevant units
1. Pre-shop	All units - A (Landscape), B (Contracts), C (Basic rights), D (Cancellation), E (Unfair practices), F (Payments), G (Holidays) and H (Redress)
2. Contract formed	Units B (Contracts), F (Payments) and G (Holidays)
3. Contract performance	Units C (Basic rights), D (Cancellation), E (Unfair practices), F (Payments) and G (Holidays)
4. Issue	Units C (Basic rights), D (Cancellation), E (Unfair practices), F (Payments), G (Holidays) and H (Redress)
5. Attempt to resolve	Unit H (Redress) – Sections H1 and 2
6. Resolve or deadlock	Unit H (Redress) – Sections H1 and 2
7. ADR	Unit H (Redress) – Sections H2 and H3
8. Court	Unit H (Redress) – Sections H2, H3 and H4
9. Enforcement of judgment	Unit H (Redress) – Sections H2 and H4

This unit is mainly concerned with stages 4 and onwards, when C has identified an issue and wishes to resolve it. There are a number of potential problems that can arise and also some legal and practical considerations that C needs to bear in mind when dealing with that issue. These will be addressed using the who, what, where, when, how and why approach.

## H1.1 Who can seek redress?

In most instances only C will be able to make a claim against T because the issue will arise as a result of a breach of contract and the doctrine of privity will apply. However, there are areas of law where third parties can make a claim, e.g. the laws relating to negligence and product liability, and sometimes C may be treated as acting as an agent for friends or family members e.g. when booking a holiday. Rights are sometimes assigned under contracts too, e.g. PTRs, when a package holiday is transferred to another traveller if the original C who made the booking is prevented from travelling.

## H1.2 What redress can be sought?

For some problems experienced by C there will be specific types of redress laid down, e.g. repair or replacement of faulty goods under the CRA, but for others C may simply be seeking an explanation or an apology. There is a range of legal remedies available, depending on various factors, such as: the legislation breached, what C aims to achieve, the nature of the problem, the timing of various events and the date the problem arose. In addition, if the matter is one that can be referred to an ombudsman scheme, different remedies may be available.

It is also possible that if there has been a TSS investigation, followed by enforcement action, it might be possible for TSS to seek a redress ECM (attached to a civil enforcement procedure) or a compensation order, on the back of a criminal prosecution.

## H1.3 Where should redress be sought?

C should start with an approach to T in order to try and resolve any dispute. How many approaches to T are appropriate before seeking advice from elsewhere or moving on to an ADR provider and then possibly court, may depend on a number of factors, including: the nature of the problem, the redress being sought, the size of T's organisation, whether there is a formal complaints procedure, the attitudes of the parties involved and whether there is a relevant ombudsman scheme.

Who exactly C should approach in the first instance may depend on the nature of the T's organisation. If there is a large number of staff employed by T and or more than one outlet, the next steps will involve contacting a more senior person, a manager and or the head office. If T is a sole trader then C will only be able to deal with them but in a large organisation there may be a customer service department and procedures for escalating complaints if they have not been dealt with appropriately or within a set period of time.

Ts who belong to trade associations may find that their code of conduct covers time periods for dealing with complaints. Some Ts may include this sort of detail in their T&C and so not complying with it may amount to a further breach of contract.

If a matter is not resolved following communication with T, then C may be able to follow these sequential courses of action:

- seek further advice from a specialist or general advisory body (section H2)
- adopt a more informed approach to T
- select an appropriate ADR provider (section H3)
- commence action through the small claims court (section H4).

### H1.3.1 Lender liability

Various sections in the CCA make a lender liable to C in certain circumstances. Pursuing a linked lender, e.g. a credit card provider, may be particularly useful if T has stopped trading or T is abroad and there is a valid choice of law clause for a jurisdiction outside the UK. The appropriate criteria in the relevant section would need to be fulfilled for liability to arise. Liability can arise for:

- ✓ breaches of contract under sections 75 and 75A
- ✓ misrepresentation under s.75
- ✓ representations, including those of certain third parties, under s.56

### H1.3.2 Traders who are not trading

If T has ceased trading, it will be difficult, if not impossible for C to seek a remedy, depending on the stage reached. There are a number of words and phrases used to describe different circumstances T may find themselves in if they are not in a position to carry on trading and these are explained below.

### **H1.3.2.1 Bankruptcy**

In the UK this applies to individuals not companies and would therefore apply to sole traders and partnerships. A person can be declared bankrupt or can declare themselves bankrupt, if they owe a minimum of £750. It costs over £700 to cover the court fees involved in this procedure.

There are a number of alternative procedures to bankruptcy for someone who is in debt, and if T realises there is a problem generally, rather than just with a particular C, other courses of action may have already being started, which could affect C pursuing T in relation to their problem. Other courses of action, for someone with debt problems, include the following:

- Debt Relief Orders (DRO)
- Informal or Family Arrangements
- Administration Orders
- Individual Voluntary Arrangements (IVA)

The law in Scotland relating to bankruptcy is different from that in E&W. Further information can be obtained from:

The Accountant in Bankruptcy  
1 Pennyburn Road  
Kilwinning  
Ayrshire  
KA13 6SA

General enquiries: 0300 200 2600  
Email: [aib@aib.gsi.gov.uk](mailto:aib@aib.gsi.gov.uk)  
Website: [www.aib.gov.uk](http://www.aib.gov.uk)

### **H1.3.2.2 Insolvency**

A company is insolvent if its assets are insufficient to pay its debts. Many official procedures come into play under various pieces of legislation when this happens and the appointment of a qualified insolvency practitioner may have to be made. A company can be considered to be insolvent if it owes a creditor more than £750 [s23 Insolvency Act 1986] and they have followed the proper procedures to recover it and have not been paid.

### **H1.3.2.3 Administration**

An insolvent company can go into administration if it is in debt but it is felt that there is some chance that it can be rescued as a going concern, or if it is likely that a better price may be achieved for the assets than if the company were 'wound up' or dissolved (H1.3.2.4 and H1.3.2.5) . An administrator (an insolvency practitioner) is appointed to manage the company's affairs, business and property, for the benefit of the creditors, e.g. Woolworths plc went into administration in 2008.

### **H1.3.2.4 Liquidation**

This is a procedure used to actually wind a company up so that it then ceases to exist, and is usually used when the company is insolvent. This can be done voluntarily by the creditors (CVL), or compulsorily by an appropriate court, usually on petition by creditors. A liquidator would be appointed to wind up the company's affairs by calling in the assets and distributing them to the creditors. A company which simply wishes to stop trading would also go into liquidation if they have debt, although, the procedure for doing so is somewhat different and this would be a voluntary liquidation by the members (shareholders) (MVL). This is only used when the company is solvent.

### **H1.3.2.5 Dissolution**

This describes the end of the legal existence of a company or partnership. It can happen automatically following the winding up of a company or the Registrar can strike a company off the Register of Companies if he believes it has ceased to operate or trade. Companies can also apply to be dissolved if the directors wish to retire or stop trading for some other reason. A procedure called “early dissolution” can take place when a company has no or very few assets and requires no further investigation into its affairs, e.g. for wrongful trading. This saves time, and the cost involved in winding the company up, and is appropriate where a company is insolvent but none of the following are going to take place:

- payments to creditors
- disqualification of directors
- criminal proceedings against individuals, e.g. for fraudulent trading

### **H1.3.2.6 Use of gift vouchers**

If T goes out of business or there are moves to try and save T or find a buyer, it is up to the administrators to decide whether gift cards and vouchers will be accepted, even if the shop doors are open. When a T closes down, the voucher holder becomes an unsecured creditor of the business and would need to register their claim with the liquidator if T was an incorporated business, i.e. Ltd or plc after its name. An unsecured creditor's claim will only be considered after all those of secured creditors.

When a store changes ownership, the new owners are unlikely to have purchased the previous company's liabilities so they will not be bound to honour the voucher and can choose whether to do so or not.

## **H1.4 When should redress be sought?**

The earlier C commences the complaints procedure the easier it will be to recall the events leading up to it. If C has contacted Citizens Advice at an early stage, they can be advised to keep a log of all contact with T, including names, dates and actions, in case this is required at a later date.

For some forms of redress there are specific time limits and in order to pursue a complaint using certain organisations, there may be time restraints at one or possibly both ends of the proceedings, e.g. a time within which something must be done or a period that must pass before something else can be done. Some examples are included in table H2.

**Table H2: Examples of time restrictions for consumer redress**

Time period	Application
2 hours	The minimum delay which needs to be experienced for passengers on short haul flights (less than 1500 km) to be entitled to care and assistance under the Denied Boarding Regs
7 days	When, under the Montreal Convention, claims about lost or damaged flight baggage have to be made (after it is received or declared lost)  The maximum number of days than can be added to the STRR if C agrees to a repair of faulty goods
14 days	The most common cancellation period when C has received appropriate details, e.g.  OffP and distance contracts  Timeshare contracts  Consumer credit  The time period for T to provide any refunds under the CCRs and the CRA  Often a sensible time period for C to allow T to rectify contractual problems
21 days	When, under the Montreal Convention:  missing flight luggage can be declared lost  claims about delayed flight baggage have to be made
28 days	A common exchange policy period used by retail stores
30 days	STRR for goods that don't conform to basic statutory rights  The maximum statutory delivery period for goods if none was agreed beforehand
45 days	Cancellation period for extended warranties sold with domestic electrical appliances
90 days	The period C has to unwind a contract, induced by T's misleading or aggressive practices
8 weeks	A common period before which C cannot take their dispute to an ombudsman scheme, although the scheme's T&C should be checked
6 months	Reverse BOP period for the CRA for 1 <sup>st</sup> and 2 <sup>nd</sup> stage remedies in relation to goods or DigC that do not conform
2 years	Limitation period for claims under the Montreal Convention
6 years (5 years)	Usual limitation period
3 years	Limitation period if there is any personal injury
10 years	Prescription period for claims under the CPA Part I (from the date on which the producer put into circulation the actual product which causes the damage)
12 years	Time limitation period for some actions under the CCA (unit F)
15 years	The general prescription period

## H1.5 How can redress be sought?

C may be tempted to ring and speak to T about their complaint and this may well resolve the issue. However, in case it does not, C would be better writing to T or sending an email and making sure that copies of such communications are retained (KC). Telephone conversations can also be backed up by such a letter or email. Letters should be sent by recorded delivery (RD) or a certificate of posting (COP) should be requested from the Post Office.

A log or diary of all communications with T should be kept by C in a chronological manner, so that if the matter proceeds to court or to an ADR provider, there is an accurate record of what has transpired between them. This will include who was spoken to in a telephone conversation and the dates when things happened or were received and a summary of what was said and done.

There are legal requirements concerning telephone helplines provided by T. If T chooses to provide a helpline, so that C can contact them concerning their contract, such lines must be charged at no more than the basic rate, i.e. normal geographic or mobile numbers, not premium rate ones, so C is not paying any more than if they were calling a friend or relative. T will have to reimburse any C who is charged more than this amount [r41(2) CCRs]. This does not prevent T from using premium rate numbers for other purposes, e.g. ordering or technical assistance.

## H1.6 Why should these redress procedures be followed?

Following logical and organised procedures not only ensures that C has an accurate and chronological record of what has happened and T's responses, but may also highlight whether C has a valid complaint in the first place. If C focuses from the beginning on maintaining a complete and reliable summary of events, this may remove or lessen some of the emotion associated with the problem and allow C to remain calm and in control when discussing the matter with T or responding to counter allegations from T.

Making notes of dates will also reveal whether the parties have proceeded within statutory or contractual time periods as required.

If the matter is not resolved through the communications between C and T, any ADR or court procedure, involved at a later stage, may be able to benefit from C's record of events.

Although TSS may be able to seek a compensation order, following prosecution, or an ECM, following civil enforcement action under Part 8 of the Enterprise Act, neither of these courses of action can be assumed as the outcome from a TSS investigation and even then the attachment of an order or an ECM cannot be guaranteed. C may still need to pursue their own complaint to seek civil redress, despite TSS enforcement action.

A Court would expect the parties to try and resolve the matter themselves or use an appropriate ADR procedure before commencing action through the courts (Civ PRs, Rule 1.4).

## Summary

- The **journey C takes when considering whether to buy something, through to dealing with the matter if there is a problem** involves: pre-shopping research; entering into a contract; performance of the contractual obligations; identification of the issue that arises; attempting to resolve it through negotiation; appreciating that deadlock has occurred; using ADR in a further attempt to resolve matters; pursuing the case through the courts and finally, employing a suitable process to enforce the judgment if necessary.
- In **most instances only C will be able to make a claim against T because the issue will arise as a result of a breach of contract and the doctrine of privity will apply**; however,



third parties can make a claim under the laws of negligence and product liability, sometimes C may be treated as an agent for friends or family members and rights can also be assigned under a contract.

- There is a **range of legal remedies available, depending on various factors**, such as: the legislation breached, what C aims to achieve, the nature of the problem, the timing of various events and the date the problem arose; in addition, if the matter is one that can be referred to an ombudsman scheme, different remedies may be available; TSS may be able to achieve a redress ECM or a compensation order following enforcement action.
- C should **start with an approach to T** in order to try and resolve any dispute before seeking advice from elsewhere or moving on to an ADR provider and then possibly court, and what is appropriate may depend on a number of factors, including: the nature of the problem, the redress being sought, the size of T's organisation, whether there is a formal complaints procedure, the attitudes of the parties involved and whether there is a relevant ombudsman scheme.
- **As an alternative to T, C may be able to pursue a creditor in certain circumstances**, in accordance with the various provisions in the CCA: section 75 (for breaches of contract or misrepresentation); section 75A (breaches of contract) or section 56 (representations by linked negotiators, which is particularly useful if T has stopped trading or is abroad.
- **If T has stopped trading this may mean that C is unable to pursue a remedy**; there are various phrases used to describe this state of affairs and it may be possible to recover something, depending on the stage reached; the common states are: bankruptcy, insolvency, administration, liquidation and dissolution.
- **The earlier C commences the complaints procedure the easier it will be to recall the events** leading up to it and if C has contacted Citizens Advice at an early stage, they can be advised to keep a log of all contact with T, including names, dates and actions, in case this is required at a later date; for **some forms of redress there are specific time limits** and in order to pursue a complaint using certain organisations, there **may be time restraints at one or possibly both ends of the proceedings**, e.g. a time within which something must be done or a period that must pass before something else can be done.
- C may ring T about their complaint and this may well resolve the issue; however, if it does not, **C would be better writing to T or sending an email** and making sure that **copies are retained**; telephone conversations can be backed up by letters or emails, with the former being sent by recorded delivery or with a certificate of posting requested.
- **Following logical and organised procedures ensures that C has an accurate and chronological record** of what has happened and may remove or lessen some of the emotion associated with the problem and allow C to remain calm and in control when discussing the matter with T or responding to counter allegations.

## H2 Consumer advice

C may require advice at any point throughout the 9 stage journey, but in particular, advice is likely to be necessary at stage 5 when C will need to know what rights and obligations they have in relation to the issue that has arisen, when they attempt to resolve it.

A logical approach to giving C advice is most likely to result in an effective use of time and correct identification of relevant advice. A suitable process will be considered and also the roles of various organisations to which C can be referred for more appropriate advice and information.

### H2.1 Approach to advice

This involves a 5R method, which should be considered as a staged process concerned with examining the following issues:

- ✓ Relationship
- ✓ Rights
- ✓ (w)rong
- ✓ Remedies
- ✓ Referrals

#### H2.1.1 Relationship

Most queries will be based on a contractual relationship between T and C, however, sometimes advice will need to be given in relation to a third party, e.g. product liability and negligence claims. In most instances it will be clear that C has a contract with T but if not, this would have to be established before proceeding to the next stage, e.g. if there has been a lot of negotiation by the parties, or T's online T&C delays acceptance of C's offer to buy until goods are dispatched.

It will be necessary to establish that the parties meet the necessary criteria for being a T and a C for most of the remedies available, but this is not always necessary, e.g. misrepresentation (unit J). In addition, the date the contractual relationship started will be important for considering relevant time periods, e.g. cancellation rights, and also because there have been significant legal changes, which may affect any advice to be given to C.

#### H2.1.2 Rights

C's contractual rights can be found in various pieces of legislation, depending on the problem, the nature of the product affected, where a contract was made and the remedy required. Express terms of the contract may also provide C with certain rights. An overview of the main provisions can be found in table H3 indicating a brief summary of the following:

- ✓ their nature
- ✓ where they are based
- ✓ when they came into force
- ✓ examples of what they cover
- ✓ which products they apply to
- ✓ what remedies are available

Non- contractual rights will be in accordance with the laws on negligence and product liability.

**Table H3: Summary of contractual consumer rights**

<b>CONSUMER RIGHTS</b>	<b>Basic statutory rights Unit C</b>	<b>Express contract rights Unit B</b>	<b>Information rights Unit C</b>	<b>Cancellation rights Unit D</b>	<b>Rights associated with unfair trade practices Unit E</b>	<b>Rights associated with product type Units F &amp; G</b>
<b>Nature</b>	Quality and compliance with description rights	Contractual rights provided by, and or negotiated with T	PCI and contract confirmation	Cancellation of OffP & distance contracts	Misleading actions Aggressive practices (MAPs)	PCI Contract detail Performance standards (not all) Cancellation (not all)
<b>Source and date</b>	CRA 2015  From 1/10/15	Written contract T&C on a website Verbal agreements  From date contract entered into	CCRs 2013  From 13/6/2014	CCRs 2013  From 13/6/2014	CPRs  From 1/10/14	PTRs Timeshare Regs FS(DM)R CCA
<b>Brief detail</b>	SQ, FPMK, description, sample, model, title, PCI	Examples:  Product details Exchange policy Extra cancellation Choice of law clause Exclusion clause ADR provision	Main product characteristics Functionality and compatibility of digital content Price information Trader details Consumer rights, e.g. cancellation	14 day cooling off period  14 day refund period	Likely to cause an average C to take a different transactional decision and play a significant role in C's decision to enter into a contract with that T or make a payment to them	Various, e.g. cancellation rights for credit, timeshare and FS(DM)R products  PCI  Liability for third parties under PTRs
<b>Products</b>	Goods Services Digital content	Any	OffP contracts OnP contracts Distance contracts UNLESS exempt	Sales contracts Digital content Service contracts UNLESS exempt	Goods, services, digital content and certain restricted credit, property & liabilities	Various, e.g. timeshare, package holidays, financial services, credit
<b>Remedies</b>	STRR Repair or replace Reduction or FRR Recovery of costs Rejection CL remedies	Repudiation Damages	Escape payment Escape the contract Damages Reimbursement Extended cancellation CRA remedies	Cancel the contract  Withdraw offer to buy	Unwind the contract Discount Damages	Various depending on the breach and the product

## H2.1.3 Wrongs

The issue C has can usually be considered as a breach of contract or a breach of statutory duty, although sometimes there may not be an actual breach even though C is experiencing a problem. It will be important to check for things like:

- misuse or fair wear & tear - if C alleges goods are faulty
- date of purchase - for cooling off periods
- where/how contract was made - for cancellation rights
- significant affect on decisions - for MAPs
- importance of express terms - if C wants to end a contract
- what PCI is missing - if C want to escape payment

Although C may be experiencing a problem, it is essential that a legal issue be identified before providing advice on possible remedies. Acknowledging that C may have caused the problem themselves, that it is simply not a legal matter or that it is too late to achieve what C is seeking, are important aspects of an advice service; however, so is recognising the value of suggesting that C may still want to negotiate with T for a goodwill gesture, while being clear about the difference.

## H2.1.4 Remedies

What remedies are available, depend on a number of factors, such as, timing, the problem, what T has done already and what C wants to achieve. A brief overview of the remedies associated with issues as they appear in the various units is provided in table H3 (H2.1.2). The courts sometimes have powers to award a different remedy from that sought, e.g. s59 CRA.

Tables H4 and H5 provide a brief summary of when ending a contract and seeking money from T may be appropriate and they are followed by a timeline tool (Figure H1) which compares the CL with the CRA and the CPRs in terms of how long C has to seek remedies and who has the BOP. It is also possible that TSS make seek a compensation order or an ECM.

**Table H4: Terminology associated with ending contracts**

Description	Explanation	Examples
Repudiation	A CL remedy for ending a contract when there has been a major breach of it and the contract has not been affirmed	Breach of a major express term in a goods contract
Rescission	An equitable remedy available if bars do not apply  The court may have the right to award damages in lieu	Misrepresentation (unit J)
Termination	Finishing a fixed period contract early  Exercising the notice period to end a rolling contract	Extended warranties for domestic electrical goods  Express term in a broadband contract
Cancellation	A statutory or contractual right available for a short period of time after the contract has been concluded	OffP contracts (unless exempt)  Distance contracts (unless exempt)
Withdrawal	Sometimes used when actually C is cancelling a contract  C can withdraw an offer before acceptance	Credit agreements  Timeshare contracts  Online shopping

**Table H5: Examples of when C may seek money from T**

Authority	Explanation	Notes/Examples
CRA	Damages - as an alternative remedy for breaches of basic statutory rights in the CRA	Mitigation required
CRA	Damages - consequential loss in addition to a statutory remedy under the CRA	Mitigation required
CL	Damages - as a remedy for a breach of a minor express contractual term	Mitigation required
CCRs	Reimbursement of additional charges when express consent was not given and telephone helpline charges over the basic rate	C should not have to un-tick a pre-ticked box in relation to any additional payments  Telephone helplines should not use premium rate numbers
CCRs	Refund for cancelled goods, including standard P&P	T may have reserved the right in the PCI to reduce a refund for any diminished value caused by unnecessary handling
CPRs	Full refund when C unwinds a contract because of a MAP	Must be claimed within 90 days
CPRs	Percentage discount following a MAP, depending on seriousness of the UCP	Percentages are 25%, 50%, 75% and 100% depending on seriousness of the MAP, the impact on C and the length of time since it happened
CPRs	Damages, in addition to instead of, unwinding a contract or having a discount for a MAP	To cover reasonably foreseeable financial losses and also distress,
EC 261/2004 and <i>Nelson v Lufthansa</i>	Compensation for delayed or cancelled flights and denied boarding	Specified amounts depending on flight length and reason for problem
PTRs	Compensation for breaches of the PTRs leading to loss or distress for C, depending on the circumstances, e.g. in respect of misleading information, significant alteration to essential contract terms, cancelled packages, significant post departure changes or improper performance of the contract	Compensation often not payable if C's loss or disappointment is due to unusual circumstances
Timeshare Regs	Damages for breaches of statutory duty e.g. non compliance with provisions about key information, contract details, language requirements and drawing C's attention to the right to withdraw	Liability cannot be excluded or restricted



## H2.1.5 Referrals

The final stage of the process involves an overview of C's problem and consideration of whether there is anything that should be referred to TSS for enforcement purposes, regardless of whether C has been given practical civil advice, e.g. a car which is not of SQ may also be unroadworthy, one that is mis-described may also be clocked, a washing machine that is not FFPMK may also be unsafe, misdescribed clothing may be counterfeit. The range of legislation and trader activity covered by TSS, make this potentially a very long list.

Not all regulatory bodies have a referral protocol with the Citizens Advice consumer service, some organisations do however, have access to the data recorded.

## H2.2 Consumer organisations

There is a wide range of bodies and organisations that may be able to give C more specialist advice or information than the Citizens Advice consumer service. Brief details of their role and contact details are provided but should be checked and updated at frequent intervals and new information shared with colleagues. They are divided into the following categories:

- (1) Advertising, Media and Marketing
- (2) Age, Disability, Mobility and Health
- (3) Animals and Food
- (4) Approved Trader Schemes
- (5) Cars and Caravans
- (6) Complaint Handling Bodies
- (7) Credit Reference Agencies
- (8) Debt
- (9) Finance
- (10) Government Bodies and Public Registers
- (11) Holidays and Transactions Abroad
- (12) Home Improvements
- (13) Housing and Estate Agency
- (14) Intellectual Property
- (15) Legal Advice and Education
- (16) Licensing, Advisory and Regulatory Bodies
- (17) Parking
- (18) Phones and the Internet
- (19) Public Transport
- (20) Service Associations
- (21) Utilities

Within each category the most frequently used organisations are listed in alphabetical order, ignoring any use of "the" before it.

## H2.2.1 Advertising, Media and Marketing

### **Advertising Standards Authority (ASA)**

**Tel: (020) 7492 2222**

**Website: [www.asa.org.uk](http://www.asa.org.uk)**

The ASA is the UK's independent regulator of advertising across all media. The authority enforces standards set for non-broadcast adverts such as those found in newspapers, videos, cinema commercials, commercial e-mails, SMS text messaging, pop up and banner adverts on the internet. It also has responsibility for standards set for TV and radio advertising. The ASA has various sanctions that can be used against those found to be in breach of the codes of practice. Cs alleging that adverts are misleading, offensive or inappropriate can be signposted to the ASA. There may also be a need to refer some matters to TSS as well.

### **BBC Complaints**

**Tel: 03700 100222**

**Website: [www.bbc.co.uk/complaints](http://www.bbc.co.uk/complaints)**

If C has a complaint about a BBC item which was broadcast or published online or in a BBC owned magazine, they should be signposted here.

### **BSKYB (Sky TV)**

**Tel: 03442 411653**

**Website: [www.sky.com](http://www.sky.com)**

The website for Sky products including TV, broadband and Talk and makes reference to their complaints procedure and service support.

### **Email Preference Service (EPS)**

**Tel: (020) 7291 3300**

**Website: [www.dma.org.uk](http://www.dma.org.uk)**

This service is sponsored by the Direct Marketing Association (DMA) and aims to offer help to people who want to reduce the number of unsolicited e-mails that they receive. Cs need to contact the EPS to register their details. Once the details have been processed and registered all DMA members must delete C's details unless they are established customers. If C is still contacted by a company who is a DMA member after registration, C should report this to the DMA at [authority@dma.org.uk](mailto:authority@dma.org.uk).

### **Five TV Comments**

**Tel: 03457 050505 / 02086 127700**

**Website: [www.channel5.com](http://www.channel5.com)**

The website for channel five services, including the different brands and advertising.

### **Independent Press Standards Organisation (IPSO) (previously the Press Complaints Commission)**

**Tel: 0300 123 2220**

**Website: [www.ipso.co.uk](http://www.ipso.co.uk)**

IPSO is the independent regulator for the newspaper and magazine industry in the UK. Standards are set in the Editor's code of practice. A complaints procedure is available on the website.

### **ITV Contact Us**

**Tel: 03440 881415**

**Website: [www.itv.com/contactus](http://www.itv.com/contactus)**

The website can be used for feedback and comments on Viewer services and also for comment on programmes, reception issues, [itv.com](http://itv.com) and [itv player](http://itv.com/player) support.



### **Mailing Preference Service (MPS)**

**Tel: 0207 2913310**

**Website: [www.mpsonline.org.uk](http://www.mpsonline.org.uk)**

This is a free service that is funded by the direct mail industry and supported by Royal Mail and the Information Commissioner. It helps Cs by enabling them to register their details with MPS to indicate that they do not wish to receive direct mail and have their household removed from the majority of mailing lists for unsolicited mail.

### **Mediawatch-UK**

**Tel: 01233 633936**

**Website: [www.mediawatch.com](http://www.mediawatch.com)**

Mediawatch campaigns for socially responsible media and against content which is potentially harmful. Mediawatch stands for family values and challenges racism, sexism and violence in media.

### **Safe Home Ordering Protection Scheme (SHOPS)**

**Tel: 01628 641930**

**Website: [www.shopspromise.com/](http://www.shopspromise.com/)**

A scheme set up for consumers offering protection with placing orders via newspaper adverts. If an advertisement shares the SHOPS logo, it is backed by the SHOPS promise: if you place an order with the advertiser and they cease trading the newspaper will ensure the consumer gets their money back.

### **Telephone Preference Service**

**Tel: 0845 0700707 Registration line**

**Website: [www.tpsonline.org.uk](http://www.tpsonline.org.uk)**

It is illegal for companies to carry out direct marketing calls to people who have indicated that they do not wish to receive them. Cs can register with the TPS to ensure that their details are not available to businesses which may otherwise call. This can be done via the TPS website, by telephone or by fax. The registration process takes up to 28 days to implement. There is a complaint process once the 28 days has passed.

## **H2.2.2 Age, Disability, Mobility and Health**

### **Age UK**

**Tel: 0800 1696565**

**Website: [www.ageuk.org.uk](http://www.ageuk.org.uk)**

Age UK is the country's largest charity dedicated to helping everyone make the most of later life. Services and support are provided in issues such as money, health and care wellbeing and to enable and support older people.

### **Age Cymru**

**Tel: 08000 223444**

**Website: [www.ageuk.org.uk/cymru/](http://www.ageuk.org.uk/cymru/)**

Age Cymru works to improve the lives of older people and challenge against prejudice in society.

### **Age Scotland**

**Contact Details:**

**Tel: 0333 3232400 –if you want to volunteer or for Information and Advice for older people**

**Silverline Scotland 0800 4 70 80 90**

**Website: [www.ageuk.org.uk/scotland](http://www.ageuk.org.uk/scotland)**

Age Scotland is the largest charity in Scotland dedicated to enabling everyone to make the most out of later life.

### **Care Council for Wales**

**Tel: 0300 3033 444**

**Website: [www.ccwales.org.uk](http://www.ccwales.org.uk)**

The social care workforce regulator in Wales, responsible for promoting and securing high standards across social services

### **Care Quality Commission**

**Tel: 03000 616161**

**Website: [www.cqc.org.uk](http://www.cqc.org.uk)**

The independent regulator of health and social care in England.

### **Scottish Social Services Council**

**Tel: 0345 6030891**

**Website: [www.sssc.uk.com](http://www.sssc.uk.com)**

The SSSC is responsible for registering people who work in social services and regulating their education and training. Their role is to raise the standards of practice by social service workers and increase the protection of people who use social services.

### **Department of Environment, Food and Rural Affairs (DEFRA)**

**Tel: 03459 335577**

**Website: [www.gov.uk/government/organisations/department-for-environment-food-rural-affairs](http://www.gov.uk/government/organisations/department-for-environment-food-rural-affairs)**

**Email: [helpline@defra.gsi.gov.uk](mailto:helpline@defra.gsi.gov.uk)**

DEFRA is the UK Government department responsible for safeguarding the natural environment and supporting the food and farm industry; it is supported by 34 agencies and public bodies.

### **Equality Advisory Support Service**

**Tel: 0808 800 0082**

**Website: [www.equalityadvisoryservice.com](http://www.equalityadvisoryservice.com)**

The EASS helpline advises and assists individuals on issues relating to equality and human rights across England, Scotland and Wales. EASS is able to support an individual to resolve their issue using informal alternative dispute resolution.

### **General Dental Council (GDC)**

**Tel: (0207) 1676000**

**Website: [www.gdc-uk.org](http://www.gdc-uk.org)**

**E-mail: [CAIT@gdc-uk.org](mailto:CAIT@gdc-uk.org)**

The GDC is the regulatory body for the dental profession. Dentists, dental hygienists, dental therapists, clinical dental technicians and orthodontic therapists must register with the GDC. It deals with complaints that question whether or not the professional is fit to practice. Patients who make allegations of professional malpractice should be signposted to this organisation.

### **General Medical Council (GMC)**

**Tel: (UK) 0161 923 6602**

**Website: [www.gmc-uk.org](http://www.gmc-uk.org)**

**E-mail: [gmc@gmc-uk.org](mailto:gmc@gmc-uk.org). For Doctor's fitness to practice: [practise@gmc-uk.org](mailto:practise@gmc-uk.org)**

The GMC is an independent organisation that helps to protect patients and improve medical education and practice across the UK. It maintains a register of qualified doctors and can remove doctors from the register if they are not deemed fit to practice. Patients who raise concerns about the ability of their doctor to practice or about professional standards could be signposted to this organisation.

### **General Optical Council (GOC)**

**Tel: 020 7580 3898**

**Website: [www.optical.org](http://www.optical.org)**

**E-mail: [goc@optical.org](mailto:goc@optical.org)**

The Council regulates optometrists, dispensing opticians and corporate bodies who provide optical services. The Council has powers to deal with complaints about misconduct or malpractice and is able to provide information to the public to assist them with their enquiries. Complaints regarding cost and quality of service and/or products are not handled by the GOC (See OCCS).

### **Medicine and Healthcare Products Regulatory Agency (MHRA)**

**Tel: 020 3080 6000**

**Website: [www.gov.uk/mhra](http://www.gov.uk/mhra)**

**E-mail: [info@mhra.gsi.gov.uk](mailto:info@mhra.gsi.gov.uk)**

The MHRA deals with medicines and medical devices and all medicines are inspected by the MHRA before they are used by patients. The MHRA aims to ensure that medical and medicine devices are safe. People with concerns that medicines or medical devices are unsafe could be advised to contact this organisation.

### **Optical Consumer Complaints Service (OCCS)**

**Tel: 0844 800 5071 /01730 263030**

**Website: [www.opticalcomplaints.co.uk](http://www.opticalcomplaints.co.uk)**

**Email: [enquiries@opticalcomplaints.co.uk](mailto:enquiries@opticalcomplaints.co.uk)**

This service provides assistance to those with an unresolved complaint against an optical practice by seeking to negotiate resolution with the optician. Complaints about malpractice, professional negligence or about the Health Authority are out of scope for the OCCS (see GOC above). The service also offers advice to opticians. Co-operation with the service is on a voluntary basis as it does not have any enforcement powers. C should contact the optician in the first instance and then contact the OCCS if the matter is not resolved. Common complaints to signpost to the OCCS include those concerning the quality of service and /or products provided.

### **Parliamentary and Health Service Ombudsman**

**Tel: (0345) 015 4033**

**Website: [www.ombudsman.org.uk](http://www.ombudsman.org.uk)**

The Ombudsman investigates complaints on a wide range of issues including: complaints about doctors, pharmacists, opticians, poor administration or service given by National Service Authorities and Trusts etc. Details are available on the website concerning the procedure for making complaints, time limits, etc.

### **Royal Pharmaceutical Society**

**Tel: Head office switchboard 0845 257 2570 (London office 0207 572 2737, Scotland office 0131 556 4386 , Wales office 029 2073 0310)**

**Website: [www.rpharms.com](http://www.rpharms.com)**

**E-mail: (Head Office / London): [support@rpharms.com](mailto:support@rpharms.com) (Scotland): [scotinfo@rpharms.com](mailto:scotinfo@rpharms.com) (Wales): [wales@rpharms.com](mailto:wales@rpharms.com)**

This is the professional body that regulates pharmacists. The society enforces the codes of conduct and other legal obligations that pharmacists are required to follow and deals with complaints from members of the public. These could include matters such as unprofessional behaviour or poor services such as supplying out of date medicine. Complaints to be signposted to this organisation would include those where pharmacies have made dispensing or labelling errors or where there are concerns about the professional standards of the pharmacist.

## H2.2.3 Animals and Food

### **Kennel Club (The)**

**Tel: 01296 318540**

**Website: [www.thekennelclub.org.uk](http://www.thekennelclub.org.uk)**

The Kennel Club actively promotes the well-being of dogs. It set up the registration and classification of dogs and maintains written records. It produces various publications and enforces rules and regulations and sets standards. It also organises annual events including Crufts, the renowned dog show. It also runs an Accredited Breeder Scheme. Complaints for signposting to the Kennel Club include claims that a dog has been sold as a pedigree when C suspects it is not, and complaints about breeders. The Kennel Club holds records which can confirm a pedigree position.

### **Royal Society for the Prevention of Cruelty to Animals (RSPCA)**

**Tel: Reporting animals in distress / 24 hour cruelty line: 0300 1234 999**

**Advice line: 0300 1234 555**

**Donation line: 0300 123 0346**

**Website: [www.rspca.org.uk](http://www.rspca.org.uk)**

The Society is responsible for investigating complaints and taking prosecutions where appropriate. It also inspects and monitors shops, kennels, farms, stables, private accommodation etc. A wide range of leaflets and other publications is available. Any complaints and enquiries concerning animal welfare may be signposted to the RSPCA.

### **Scottish Society for the Prevention of Cruelty to Animals (SSPCA)**

**Tel: (03000) 999 999**

**Website: [www.scottishspca.org.uk](http://www.scottishspca.org.uk)**

Scottish SPCS is Scotland's animal welfare charity and its objectives are to prevent cruelty to animals and encourage kindness and humanity in their treatment. The society is responsible for investigating complaints and taking prosecutions where appropriate. It also inspects and monitors shops, kennels, farms, stables, private accommodation etc. As well as rescuing and re-homing abandoned, neglected and defenceless animals. A variety of courses, activities and events, including summer activities for youngsters and animal welfare studies for adults. There is a wide range of leaflets and other publications available. Any complaints and enquiries concerning animal welfare may be signposted to the SSPCA.

## H2.2.4 Approved Trader Schemes

In some parts of the country TSS have set up schemes to enlist members from the home improvement industry and sometimes other service providers. The aim has been to establish a code of conduct to encourage best practice. Some schemes also offer conciliation and/or arbitration

services. In addition, there is a Consumer Codes Approval Scheme (CCAS), previously run by the OFT but now run by CTSI. Alongside these there may also be government endorsed schemes or ones backed by a particular industry or trade association.

### **Buy With Confidence**

**Email:** [admin@BWC.gov.uk](mailto:admin@BWC.gov.uk)

**Website:** [www.buywithconfidence.gov.uk](http://www.buywithconfidence.gov.uk)

Buy With Confidence is a national register of Trading Standards Approved businesses run independently by local authority trading standards departments. All the businesses on the website have been vetted and approved and continue to be monitored by a professionally qualified Trading Standards Officer to help ensure consumers receive a quality service and to maintain the integrity of the scheme. A wide range of businesses is covered and consumers can search for approved traders using the website.

### **Buy With Confidence +Care**

**Tel:** 0300 555 1386

**Email:** [buy.with.confidence.care@hants.gov.uk](mailto:buy.with.confidence.care@hants.gov.uk)

**Website:** [www.buywithconfidence.gov.uk](http://www.buywithconfidence.gov.uk)

Businesses who provide care services to people are Buy With Confidence +Care badged and they are vetted, approved and monitored by Local Authority Adult Social Services Departments, as well being vetted and approved by Trading Standards. Consumers can search for approved suppliers on the website.

### **Checktrade**

**Contact details:**

**Website:** [www.checktrade.com](http://www.checktrade.com)

This is a privately run scheme by Vetted Ltd and covers a variety of trades.

### **Consumer Codes Approval Scheme (CCAS)**

**Website:** [www.tradingstandards.uk/advice/ConsumerCodes.cfm](http://www.tradingstandards.uk/advice/ConsumerCodes.cfm)

The CCAS is CTSI facilitated self-regulation. It aims to bolster consumer protection and improve customer service standards by approving and promoting codes of practice, setting out the principles of effective customer service and recognising approved traders. Consumers can search for approved traders by entering the business type required and their location or postcode. Various trades are covered.

### **Trustmark**

**Tel:** 0333 555 1234

**Email:** [info@trustmark.org.uk](mailto:info@trustmark.org.uk)

**Website:** [www.trustmark.org.uk](http://www.trustmark.org.uk)

This is a government endorsed scheme which replaced the Qualitymark scheme. It licenses trade associations who meet the requisite standards. It enables online searches to assist consumers in finding details of traders in an approved trade association. Trustmark also investigates complaints against its members. It is particularly useful to signpost a consumer to Trustmark if they are calling for pre shopping advice and want details of traders in their area. The consumer can visit the Trustmark website and conduct a search for a variety of traders in the repair, maintenance and home improvement sectors.

### **Which? Trusted Trader**

**Tel: 0333 555 1234**

**Email: [info@trustmark.org.uk](mailto:info@trustmark.org.uk)**

**Website: [www.trustedtraders.which.co.uk](http://www.trustedtraders.which.co.uk)**

Which? Trusted traders in the home improvements and motoring repairs industries are assessed and checked by Which? professionals, before being endorsed. The Ombudsman Services resolution scheme is used for any disputes that are not resolved between the trader and the consumer.

## **H2.2.5 Cars and Caravans**

### **British Vehicle Rental and Leasing Association (BVRLA)**

**Tel: (01494) 545710**

**Website: [www.bvrla.co.uk](http://www.bvrla.co.uk)**

**Email: [info@bvrla.co.uk](mailto:info@bvrla.co.uk)**

This is a trade association engaged in the leasing of cars and commercial vehicles which operates a code of conduct for its members. If C has an unresolved complaint against a member, there is a complaints procedure including a free conciliation service.

### **Driver and Vehicle Standards Agency (DVSA) (A merger of the DSA and VOSA)**

**Tel: Drivers Enquiries: 0300 790 6801**

**Vehicle testing and approval lines: 0300 200 1122/ 0843 504 0226 & 0300 123 9000**

**Website: [www.gov.uk/government/organisations/driver-and-vehicle-standards-agency](http://www.gov.uk/government/organisations/driver-and-vehicle-standards-agency)**

It is a legal requirement for all vehicle owners to register with DVSA. Since 7th April 2003 any car that has been involved in an accident and has been 'written off' or scrapped and then subsequently repaired, must pass a Vehicle Identity Check (VIC) before it can be used on the road. This will be recorded on the log book (V5) and proof of this will be needed to ensure that the car can be registered and taxed in the future. Queries regarding a vehicle's history or registration can be signposted to the DVSA. See VOSA also. DVSA also administers the MOT scheme and deals with appeals and complaints from MOT customers. If C states that their vehicle has a valid MOT but believes that the MOT should not have been issued, they can be signposted to DVSA. Alternatively, C may argue that the vehicle has failed an MOT and they feel that it should have passed.

### **HPI Ltd**

**Tel: 0845 300 8905**

**Website: [www.hpicheck.com](http://www.hpicheck.com)**

HPI's role in the second hand car market is crucial. HPI used car check is used to confirm if a vehicle has outstanding car finance, is recorded as stolen, clocked or has previously been written off. The make, model, engine size and descriptions recorded against the car at time of manufacture are also available. HPI is an independent organisation which holds a lot of information on a database about all UK registered vehicles including details of their histories, description and the National Mileage Register.

Instances where it will be appropriate to signpost C to HPI Ltd include:

- pre-shopping advice
- to check the history of a car
- where there are concerns that finance may be outstanding on a car that has been purchased
- there is a possibility that a car has been clocked
- to investigate whether or not the vehicle is a 'cut and shut' or stolen
- to investigate whether a car has been involved in an accident and has been 'written off' by an insurance company

HPI can also inform C whether the V5 (log book) and MOT certificate are fraudulent or have been stolen. For cars, a search can be carried out online or by telephone for which a fee is payable. The checks carried out are covered by the HPI guarantee which reimburses those who have suffered financial loss as a result of any inaccurate or incomplete information given as part of the HPI check. Terms and conditions apply and there are financial limits on the amount of money that will be paid out. Searches (CRIS checks) can also be carried out for caravans to reveal similar information about a caravan's history.

### **National Caravan Council**

**Tel: (01252) 318 251**

**Website: [www.thencc.org.uk](http://www.thencc.org.uk)**

**Email: [info@nationalcaravan.co.uk](mailto:info@nationalcaravan.co.uk)**

This is a trade association for the UK caravan industry which operates a code of practice. It assists its members by providing information and advice. It will also investigate complaints made by the general public against its members.

### **National Park Homes Council**

**Website: [www.theparkhome.net](http://www.theparkhome.net)**

This is a part of the National Caravan Council and covers the entire UK residential park homes industry. It operates a code of practice and will investigate complaints against its member organisations (comprising manufacturers, suppliers, dealers, park operators, etc).

### **Retail Motor Industry Federation (RMI)**

**Tel: (01788) 576 465 / 0845 305 4230 (Member Helpline) / 020 7580 9122 (Head Office)**

**Website: [www.rmif.co.uk](http://www.rmif.co.uk)**

**Email: [helpline@rmif.co.uk](mailto:helpline@rmif.co.uk)**

The RMI is a leading automotive body in the UK representing franchised cars and commercial vehicle dealers, independent garages, bodyshops, motorcycle dealers, petrol retailers, auction houses and number plate dealers who provide sales and services in the UK. It is a large and influential body which has a large number of members in the motor industry and which has a code of practice. In the event of a complaint being raised against a member, the RMI uses the National Conciliation Service as a form of ADR and may be able to offer independent arbitration at a subsidised rate. Information regarding a list of members and other organisations with which the arbitration service operates is amongst the useful information that can be viewed on the website. Cs should be only directed to contact the organisation regarding complaints against members who have sold them cars. They should only contact RMIF if the member has not carried out their obligations towards C and if they have already approached the member direct and the matter remains unresolved. In this case the RMIF may instigate their conciliation and arbitration service. The procedure will not be used if the car concerned is a new car which is covered by a manufacturer's warranty. However, C may be directed to the SMMT, which has a New Car Code Conciliation Service.

### **Security Industry Authority (SIA)**

**Tel: (0844) 892 1025 / 0151 243 3701**

**Website: [www.sia.homeoffice.gov.uk/](http://www.sia.homeoffice.gov.uk/)**

**Email: [info@sia.homeoffice.gov.uk](mailto:info@sia.homeoffice.gov.uk) (predominantly used for complaints)**

The SIA regulates the private security industry. In particular, it is a legal requirement that vehicle immobilisers, those who clamp, block and tow cars, must have a licence from the SIA. Those obtaining release fees from the public should issue a receipt containing certain information and vehicles must not be immobilised if they display a valid disabled badge. Cs who complain that their vehicle has been immobilised may be signposted to the SIA to check that the business in question has a licence. Also, those who state that they were not issued with a receipt when they paid the fee to have their vehicle released could be advised to contact the SIA.

**Society of Motor Auctions (now known as  
National Association of Motor Auctions since March 2011)**

**Tel: (01788) 538336**

**Website: [www.nama-uk.com/](http://www.nama-uk.com/)**

This is a large trade body for the motor industry and a division of the Retail Motor Industry Federation Ltd. It has a list of members who agree to conduct their business in accordance with a Code of Practice and Customer Charter. The SMA offers an independent arbitration and conciliation service if a complaint cannot be resolved between a customer and a member of the SMA. C can be signposted to the SMA if they have a complaint against one of the members of the SMA so that they can access this form of ADR. The website includes a list of members.

**Society of Motor Manufacturers and Traders (The) (SMMT)**

**Tel: 020 7235 7000**

**Website: [www.smmt.co.uk](http://www.smmt.co.uk)**

This is a trade association for businesses in the motor industry including manufacturers and retailers. It also offers some general guidance to Cs. SMMT supports the work of Consumer Champion Motor codes. This organisation is responsible for raising industry standards, offering advice and carrying out dispute resolution. Motor codes operates three industry codes of practice that raise and maintain standards in the service and repair, new car and vehicle warranty sectors. For more info on codes go to [www.motorcodes.co.uk](http://www.motorcodes.co.uk). There is a 'new car code of practice' for vehicle manufacturers which aims to resolve disputes between customers and members of the SMMT and offers an ADR scheme which could include conciliation, and if the matter is not resolved, independent arbitration. Cs who state that they have a dispute with the manufacturer of their new vehicle can be signposted to the SMMT to check if the manufacturer is a member and if appropriate, to pursue the complaint further.

**Scottish Motor Trade Association (SMTA)**

**Tel: 0131 331 5510**

**Website: [www.smta.co.uk](http://www.smta.co.uk)**

SMTA is a trade association with the prime function of promoting and protecting members of the motor trade in Scotland. It can provide assistance for members in a wide range of areas including employment law, redundancy, unfair dismissals, terms & conditions of employment, maternity pay, health & safety matters, VAT, PAYE, MOT appeals and other areas where members require assistance. In addition the SMTA gives general advice on consumer issues. The SMTA provides an independent conciliation service to reconcile differences between member and the customer. The main focus is to ensure that the public get the best service possible.

## H2.2.6 Complaints Handling Bodies

**ActionFraud**

**Tel: 0300 123 2040**

**Website: [www.actionfraud.police.uk](http://www.actionfraud.police.uk)**

ActionFraud is the UK's national reporting centre for fraud and internet crime where Cs should report fraud if they have been scammed, defrauded or experienced cyber crime. After a report has been made to ActionFraud, it will be sent for assessment by the National Fraud Intelligence Bureau (NFIB). Experts review the data from these reports to decide whether there is enough information to send to a police force for investigation.



## **European Consumer Centre for Services (ECC-Net)**

**Tel: 01268 886690**

**Email: [ecc@tsi.org.uk](mailto:ecc@tsi.org.uk)**

**Website: [www.ukecc.net](http://www.ukecc.net)**

The European Consumer Centre offers free impartial advice and assistance in cross border European disputes between consumers and traders. It is part of an EU wide network of 30 European Consumer Centres who offer consumer help and advice which includes: advice and information for UK consumers that are having problems with a company based in another European Country and intervention in disputes where C and T are unable to reach a positive outcome. The ECC usually gets involved when Cs have exhausted their own efforts to resolve a dispute directly with T.

## **FIN-NET**

### **Financial Dispute Resolution Network**

**Website: [www.ec.europa.eu](http://www.ec.europa.eu)**

FIN-NET is a financial dispute resolution network of a national out of court complaint schemes in the European Economic Area countries that are responsible for handling disputes between consumers and financial services providers i.e. banks, insurance companies, investments firms and others

## **Independent Police Complaints Commission**

**Tel: 0300 020 0096**

**Website: [www.ipcc.gov.uk](http://www.ipcc.gov.uk)**

The IPCC oversees the police complaints system in England and Wales and sets standards by which police should handle complaints. It is independent in making its decisions independently of the police and the government.

## **Information Commissioner's Office (The) (ICO)**

**Tel: From the UK: 0303 123 1113 or 01625 545745**

**Website: [www.ico.org.uk](http://www.ico.org.uk)**

**Email: [casework@ico.org.uk](mailto:casework@ico.org.uk)**

The Information Commissioner has responsibility for the enforcement and supervision of the Data Protection Act 1998 and the Freedom of Information Act 2000. The aim is to ensure that the public has proper access to official information and that personal information is also protected. The Information Commission can take action under the Unfair Terms elements of the CRA. Amongst the complaints that can be signposted to the Information Commissioner's Office are those from Cs reporting the misuse of their personal information.

## **Local Government Ombudsman (LGO)**

**Tel: (0300) 061 0614**

**Website: [www.lgo.org.uk](http://www.lgo.org.uk)**

The Local Government Ombudsman is an impartial and free service which investigates complaints about most council matters as part of its functions. The types of complaints covered include housing, planning, education and social services.

## **Ombudsman Association**

**Tel: 020 8894 9272**

**Website: [www.ombudsmanassociation.org](http://www.ombudsmanassociation.org)**

The Ombudsman Association is a professional association for ombudsman and complaint handlers and promotes independent complaint resolution. It is neither a complaint handling nor an advice body and cannot give the public any advice other than to signpost to an appropriate ombudsman or complaint handling scheme if there is one.

## **Police non-emergency**

**Tel: 101**

**Website: [www.police.uk/contact/101](http://www.police.uk/contact/101)**

101 is the number to call when a member of the public wants to contact their local police in the UK when it's less urgent than a 999 call. Cs should use 101 to report crime such as: their car has been stolen; their property has been damaged; they suspect drug use in their neighbourhood. Cs can also use 101 to report a minor traffic collision, give the police information about crime in their area or to speak to the police about a general enquiry. (999 should always be called when it is an emergency, such as when a crime is in progress, someone suspected of a crime is nearby, when there is danger to life or when violence is being used or threatened).

## **Public Services Ombudsman for Wales**

**Tel: (01656 641 150 /0300 790 0203**

**Website: [www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk)**

The Public Services Ombudsman for Wales looks to see whether people have been treated unfairly or inconsiderately, or have received a bad service through some fault on the part of the public body providing it. The main role is to look into complaints made by members of the public that they have suffered hardship or injustice through maladministration or service failure on the part of a public body within the ombudsman's jurisdiction. This can include complaints about local government, NHS organisations, including GPs, housing associations and the Welsh Assembly Government. The role and powers of the ombudsman are defined by the Public Services Ombudsman (Wales) Act 2005. A full list of the type of organisation which the ombudsman can consider complaints about, is available on the website.

## **Scottish Public Services Ombudsman (SPSO)**

**Tel: (0800) 377 7330 / 0131 225 5300**

**Website: [www.spsso.org.uk](http://www.spsso.org.uk)**

The SPSO is the final stage for complaints about organisations providing public services in Scotland. It deals with complaints about councils, the NHS, housing associations, the Scottish Government and its agencies and departments, colleges and universities, water and sewer companies and most Scottish public bodies. It will normally only consider complaints after they have been through the formal complaints process of the organisation concerned. Complaints can then be made by visiting the office, calling or texting, writing or filling out an online complaint form.

The service provided by SPSO is independent, impartial and free.

Complaints are welcomed in languages other than English. If someone wants to speak to the SPSO in a language other than English, interpreting support can be arranged. Some of the publicity material is available in other languages and formats and SPSO should be contacted for further details.

## **H2.2.7 Credit Reference Agencies**

There are three main organisations that provide consumer credit information services (Callcredit Plc, Equifax Plc and Experian Ltd.) They all provide a very similar service, which involves providing information to lenders about the financial history and status of those applying for credit. They also give Cs access to this information. Cs may be signposted here if they have been refused credit as obtaining their credit report may help them to understand why they have been declined. They may

also wish to contact these organisations if they believe that the information held about them is incorrect. If C believes that their CRA file is incorrect there is a procedure which can be followed to make corrections which is overseen by the Information Commissioner (unit F). The organisation charges a fee for access to this information.

### **Callcredit Plc**

**Tel: 0845 366 0071 for consumer enquiries or 0113 388 4300 for business enquiries**

**Website: [www.callcredit.co.uk](http://www.callcredit.co.uk)**

**E-mail: [consumer@callcreditgroup.com](mailto:consumer@callcreditgroup.com)**

### **Equifax Plc**

**Website: [www.equifax.co.uk](http://www.equifax.co.uk)**

### **Experian Limited**

**Tel: Credit reports 0344 481 0800 or 0800 013 8888**

**Business / other enquiries 0115 941 0888**

**Website: [www.experian.co.uk](http://www.experian.co.uk)**

## **H2.2.8 Debt**

### **Citizens Advice**

**Tel: Adviceline England: 0300 330 1313 & Wales 03444 77 20 20**

**Website: [www.citizensadvice.org.uk/debt-and-money](http://www.citizensadvice.org.uk/debt-and-money)**

Citizens Advice offers support and assistance to clients with debt and money issues including how to sort out your debts, how to dispute a credit debt, tips on budgeting, options for getting out of debt, dealing with urgent debt etc.

### **National Debtline**

**Tel: (0808) 808 4000 (Freephone)**

**Website: [www.nationaldebtline.org](http://www.nationaldebtline.org)**

This is an independent service which is part of the Money Advice Trust. The service is provided free of charge and in confidence. It aims to assist those who are in debt by offering expert advice and by providing self-help to deal with debts.

### **Money Advice Service (The)**

**Tel: 0300 500 5000**

**Website: [www.moneyadviceservice.org.uk/en](http://www.moneyadviceservice.org.uk/en)**

Free impartial money advice, set up by government to help clients to improve their finances. There are support tools and calculators provided to keep clients on track and plan ahead and support is offered to clients in person over the phone and online.

### **Money Advice Scotland**

**Tel: (0141) 572 0237 (Freephone)**

**Website: [www.moneyadvicescotland.org.uk](http://www.moneyadvicescotland.org.uk)**

Money Advice Scotland is primarily a support agency for those organisations and individuals who provide a free, independent, confidential and impartial money advice service to the general public. It does not provide an advice service to the general public itself but can direct people to their nearest free advice agency.

## **StepChange**

**Tel: (0800) 138 1111**

**Website: [www.stepchange.org](http://www.stepchange.org)**

This is a charitable organisation which offers debt/budgeting advice and a specialist credit counselling service. The organisation works to a code of ethics and helps debtors to negotiate future payments with creditors (previously called the Consumer Credit Counselling Service). Advice is given on a wide range of matters including: debt management plan and bankruptcy advice to equity release and mortgages.

## **H2.2.9 Finance**

### **Chartered Accountants Regulatory Board (CARB)**

**Tel: 02890 435858**

**Website: [www.carb.ie](http://www.carb.ie)**

**Email: [carb@carb.ie](mailto:carb@carb.ie)**

The board develop regulatory policy and professional standards monitoring members and firms for compliance dealing with complaints.

### **Financial Ombudsman Service (FOS)**

**Tel: 0800 023 4567 or 0300 123 9123**

**Website: [www.financial-ombudsman.org.uk](http://www.financial-ombudsman.org.uk)**

The FOS is a public body set up by Parliament and can deal with most types of financial complaint for example PPI, banking, insurance, mortgages, credit store cards, loans and credit, payday lending and debt collecting, pensions, savings and investments, hire purchase and pawn broking. If C has a complaint they should write to the firm, following their complaints procedure and should allow the firm up to eight weeks to resolve the matter. The firm should send a letter to C setting out their final decision and informing them how to contact the Ombudsman if they are dissatisfied. There is a six month time limit for C to make the complaint to the Ombudsman from the date of the letter. The scheme is free of charge for C even if their complaint is rejected. Both mediation and conciliation may be offered. The FOS is not a regulator but has the power to award compensation to be paid by the firm to C if appropriate. The FOS does not punish or fine firms even if they have acted wrongly. Common complaints which may be signposted to the FOS include unresolved disputes with insurers and financial institutions. Also C may wish to contact the FOS if they have made a claim under s75 CCA, holding the finance company jointly and severally liable with T for any breach of contract and/or misrepresentation, which the lender has failed to act upon or disputes.

### **Financial Services Compensation Scheme (FSCS)**

**Telephone: 0800 678 1100 or 0207 741 4100**

**Website: [www.fscs.org.uk](http://www.fscs.org.uk)**

The FSCS may pay compensation to C if they have a claim against a business that is regulated by the FSA and it has ceased trading. The FSCS can also provide protection if a deposit-taker (e.g. bank, building society, or credit union), an insurance company or an investment firm goes out of business and cannot pay claims against it or return money.

### **H M Revenue & Customs (HMRC)**

**Tel: 03000 200 3700 – general enquiries**

**Website: [www.hmrc.gov.uk](http://www.hmrc.gov.uk)**

HMRC has the responsibility of collecting revenue from taxes amongst other duties. It can be contacted for advice or information concerning reports that Ts are selling goods which are imported and it is suspected that the appropriate tax has not been paid, e.g. cigarettes and alcohol.

### **Insolvency Service (The) and the Official Receiver (OR)**

**Tel: (0845) 602 9848 / Redundancy on 0845 145 0004**

**Website: [www.insolvency.gov.uk](http://www.insolvency.gov.uk)**

**Email: [insolvency.enquiryline@insolvency.gsi.gov.uk](mailto:insolvency.enquiryline@insolvency.gsi.gov.uk)**

The Insolvency Service administers compulsory individual and company insolvencies. It investigates and has power to prosecute/disqualify those who have committed fraud or misconduct. It also regulates private insolvency practitioners and insolvency funds. The official receiver (OR) is part of the insolvency service. The OR may be appointed at the initial stages of insolvency proceedings and may continue to deal with the insolvency as a result of these proceedings. This may involve protecting any assets that the person or company has and the OR may ultimately sell or distribute those assets. There are a number of OR offices across the country. Contact details of the individual OR officers can be found on the insolvency service website. It may be appropriate to signpost Cs here if they know or suspect that T may be involved in insolvency proceedings because they have ceased trading and C has an issue that they wish to pursue, e.g. goods that they have ordered and paid for have not been delivered. They can find out whether the OR is dealing with the matter or an insolvency practitioner.

### **Institute of Chartered Accountants**

**Tel: 01908 248250**

**Website: [www.icaew.com](http://www.icaew.com)**

ICAEW is an organisation that promotes chartered accountants worldwide. Providing qualifications and professional development they seek to protect the quality of the accountancy and finance profession.

### **Institute of Chartered Accountants of Scotland**

**Tel: 0131 347 0100**

**Website: [www.icas.com](http://www.icas.com)**

**Email: [enquiries@icas.com](mailto:enquiries@icas.com)**

ICAS is a professional body, an educator, examiner, regulator and thought leader of chartered accountancy in Scotland.

### **London Stock Exchange**

**Tel: 0207 77971000**

**Website: [www.londonstockexchange.com](http://www.londonstockexchange.com)**

The London Stock Exchange is a diversified International Exchange group that sits at the heart of the world's financial community. The website offers stock price indices, international markets information and RNS news announcements. Through its markets, the group offers international business' and investors unrivalled access to Europe's capital markets.

### **Pensions Ombudsman (The)**

**Tel: 020 7630 2200**

**Website: [www.pension-ombudsman.org.uk](http://www.pension-ombudsman.org.uk)**

An independent organisation set up to investigate complaints about pension administrations. Complaints are also considered about actions and decisions of the Pension Protection Fund and about some decisions made by the Financial Assistance scheme. Funded by DWP it remains an impartial organisation

## **UK Insolvency Helpline (The)**

**Tel: 0800 6681391**

**Website: [www.insolvencyhelpline.co.uk](http://www.insolvencyhelpline.co.uk)**

The service is a UK based corporate recovery and turnaround consultancy offering advice to companies financial problems. Aim to provide companies support and offer them the ability to identify problems at an early stage. It provides initial advice and refers clients on to professional network of lawyers, accountants and licensed insolvency practitioners specialising in corporate recovery business rescue and insolvency advice in the UK.

## **H2.2.10 Government Bodies and Public Registers**

### **Charity Commission**

**Tel: (0845) 3000 218 / 0151 7031797**

**Website: [www.gov.uk/government/organisations/charity-commission](http://www.gov.uk/government/organisations/charity-commission)**

This is a government department with duties including the registering, advising and supervision of charities in England and Wales. The Commission provides advice to charities on various issues. It also maintains a register of charities which can be accessed by the general public. Cs may question whether a body claiming to be a charity is genuine and they can be signposted to the Charity Commission for the details to be checked.

### **Claims Management Regulation (CMR)**

#### **Monitoring and Compliance Unit**

**Telephone: 0845 450 6858 / 01283 233309**

**Email: [info@claimsregulation.gov.uk](mailto:info@claimsregulation.gov.uk)**

**Website: [www.gov.uk/government/groups/claims-management-regulator](http://www.gov.uk/government/groups/claims-management-regulator)**

Businesses that provide claims management services in England and Wales are regulated by the Ministry of Justice and are required to be authorised. Claims management is the handling of claims in one of six areas of law: personal injury; criminal injuries; employment issues; housing disrepair claims; industrial injury disablement benefit and financial products or services.

The Claims Management Regulation Monitoring and Compliance Unit ('MCU') handles authorisations, monitors the conduct of authorised businesses and investigates reports of businesses that might be trading without authorisation. The MCU is operated by Staffordshire County Council's Trading Standards Service on behalf of the Ministry of Justice.

If C has a complaint against a claims management business, this should be notified to the MCU. All claims management businesses are required to have a formal complaints handling procedure. The MCU is able to advise Cs and, in certain circumstances, may be able to mediate or review the way a business has handled a formal complaint. Advice for Cs can be found on the Claims Management Regulation website, which also has an up-to-date list of all authorised businesses.

### **Competition Appeals Tribunal (CAT)**

**Tel: 020 7979 7979**

**Website: [www.catribunal.org.uk](http://www.catribunal.org.uk)**

The Competition Appeal Tribunal is a specialist judicial body whose main function is to hear and decide cases involving competition or economic regulatory issues. The bodies whose decisions may be appealed to the tribunal are: the CMA, CQC, Ofcom, Ofgem, Ofwat, the Rail Regulator, the CAA, the FCA and the Northern Ireland Authority for Utility Regulation.

### **Companies House**

**Tel: (0303) 123 4500**

**Website: [www.gov.uk/government/organisations/companies-house](http://www.gov.uk/government/organisations/companies-house)**

**Email: [enquiries@companies-house.gov.uk](mailto:enquiries@companies-house.gov.uk)**

This is the executive agency of BIS. It has various functions, including the keeping of company information. This can be particularly helpful to a C who wants to check certain information about a company before deciding to do business with them or for a C who wishes to check if a company has gone into liquidation. A search can be done by telephone, post, fax, email, or online. It is only incorporated bodies that have to register with Companies House and legal advice is not provided.

## **Europa**

**Website: [www.europa.eu](http://www.europa.eu)**

This is the official website of the European Union and provides access to information published by all EU institutions, agencies and bodies

## **European Commission**

Listed under Europa – see above

The European Commission is the executive body of the European Union responsible for proposing legislation, implementing decisions, upholding the EU treaties and being completely independent when carrying out its duties.

## **European Ombudsman (The)**

**Website: [www.ombudsman.europa.eu/en/atyourservice/home.faces](http://www.ombudsman.europa.eu/en/atyourservice/home.faces)**

The European Ombudsman investigates complaints about maladministration in the institutions and bodies of the European Union. Complaints process detailed on website

## **European Parliament UK Office**

**UK Office of the European Parliament**

**Website: [www.nidirect.gov.uk](http://www.nidirect.gov.uk)**

**Tel Number: 020 7227 43000**

**Email: [eplondon@europarl.europa.eu](mailto:eplondon@europarl.europa.eu)**

## **GOV.UK**

**Website: [www.gov.uk](http://www.gov.uk)**

GOV.UK is a public sector information website, created by the Government Digital service to provide a single point of access to HM Government services. Details about the departments listed in table H6 can be found on it.

**Table H6: List of Government departments and organisations on the GOV.UK website**

<b>Department name or title</b>	<b>Brief description of main areas of work</b>
Business, Innovation and Skills (BIS)	Responsible for: Better Regulation; Business Law; Business Sectors; Consumer Issues; Employment Matters; Enterprise & Business Support; Europe, Trade & Export Control; Regional Economic Development. The BIS website contains some very useful publications on consumer legislation, including guidance notes and details of proposed changes
Communities and Local Government (DCLG)	Its job is to create great places to live and work, and to give more power to local people to shape what happens in their area
Competition and Markets authority (CMA)	The CMA is a non-ministerial department promoting competition for the benefit of consumers both within and outside the UK. The aim is to make markets work well for consumers, businesses and the economy.
Culture, Media and Sport	The aim is to help make Britain the world's most creative and

	exciting place to live, visit and do business. This department protects and promotes our cultural artistic heritage and helps businesses and communities grow by investing innovation and highlighting Britain as a fantastic place to visit. Alongside this, DCMS help to give the UK a unique advantage in the global race for economic success.
DEFRA	DEFRA is the UK Government department responsible for safeguarding the natural environment and supporting the food and farm industry; it is supported by 34 agencies and public bodies
Education	Responsible for education and children's services in England. Works to achieve a highly educated society in which opportunity is equal for children and young people, no matter what their background or family circumstances
Enterprise, Trade and Investment (DETINI)	A body of the Northern Ireland Executive. It is a devolved Northern Ireland government department in the Northern Ireland Executive. The minister with overall responsibility for the department is the Minister of Enterprise, Trade and Investment
Health	Helps people to live better for longer. The department leads, shapes and funds health and care in England, making sure people have the support, care and treatment they need with the compassion respect and dignity they deserve.
Home Office	The Home Office leads on immigration and passports, drugs policy, crime policy and counter-terrorism and works to ensure visible, responsive and accountable policing in the UK
Justice	Works to protect the public and reduce reoffending and to provide a more effective, transparent and responsive criminal justice system for victims and the public
Land Registry (Land Charges Department)	The registers held at H M Land Registry can be searched to ascertain, amongst other things, whether or not a person has been made bankrupt and/or whether applications have been made for them to be made bankrupt. Consumers can conduct a 'bankruptcy only' search by contacting the Land Registry and paying a fee. A full Land Charges search will also reveal any land charges (e.g. mortgages or other secured debts) that have been registered
Transport	Works with agencies and partners to support the transport network that helps the UK's businesses and gets people and goods travelling around the country. The Department plans and invests in transport infrastructure to keep the UK on the move
Treasury	HM treasury is the Government's economic and finance ministry, maintaining control over public spending, setting the direction of the UK's economic policy and working to achieve strong and sustainable economic growth
Work and Pensions	Responsible for welfare, pensions and child maintenance policy. As the UK's biggest public service department it administers the State Pension and a range of working age, disability and ill health benefits to over 22 million claimants and customers

### Health and Safety Executive (HSE)

**Tel: Website encourages completing an online form – however those unable to should dial 0300 003 1747**

**Website: [www.hse.gov.uk](http://www.hse.gov.uk)**

The HSE is an enforcement authority for health and safety in a variety of work places. It aims to ensure that risks in the workplace are correctly controlled. Local authorities are accountable to the HSE for enforcement in offices, shops and other aspects of the service sector. For information about workplace health and safety information, guidance and advice, Cs can contact the HSE's Infoline. Cs can also report incidents.



## **National Assembly for Wales**

**Website:** [www.assembly.wales](http://www.assembly.wales)

The National Assembly for Wales is the democratically elected body that represents the interests of Wales and its people, making laws for Wales and holding the Welsh Government to account. Formed in 1999, the 60 Assembly members meet at the Senedd in Cardiff for weekly plenary meetings.

## **Office of Public Sector Information (OPSI)**

**The National Archives has an Advisory Panel on Public sector information**

**Website:** [www.nationalarchives.gov.uk](http://www.nationalarchives.gov.uk)

The Advisory Panel on Public Sector Information was established as a non - departmental public body. It is independent of both National Archives and the Ministry of Justice. This independence applies to their main roles which are to advise ministers and to the Director of OPSI and controller of HMSO. As part of the review process regarding the re use of Public Sector Information Regulations 2005.

## **Scottish Government**

**Tel:** 0300 244 4000

**Website:** [www.gov.scot](http://www.gov.scot)

The devolved government for Scotland has a range of responsibilities which include: health, education, justice, rural affairs, housing and the environment. Some powers are reserved for the UK government, including: immigration, the constitution, foreign policy and defence.

## **Scottish Parliament**

**Website:** [www.scottishparliament.uk](http://www.scottishparliament.uk)

This is the legislative body for Scotland. There is information on Parliamentary Business, MSPs making FOI requests and complaints, available on website.

## **UK Parliament**

**Website:** [www.parliament.uk](http://www.parliament.uk)

The UK Parliament is the supreme legislative body in UK. It alone possesses legislative supremacy and thereby, ultimate power over all political bodies in the UK, its head is the Sovereign of the UK and its seat is the Palace of Westminster, Westminster, London. Its main roles are examining and challenging the work of the Government (scrutiny), debating and passing all laws (legislation) and enabling the government to raise taxes.

## **H2.2.11 Holidays and Transactions Abroad**

### **Air Travel Operator's Licence (ATOL) (Now under the CAA)**

**Tel:** 0207 379 7311 – main switchboard for CAA

**Website:** [www.caa.co.uk](http://www.caa.co.uk) search for ATOL

The CAA administers the Air Travel Organisers Licence and is the regulator for aviation and the provision of air traffic control. The licence is a protection scheme and a legal requirement for most companies that sell air travel, although there are some exceptions. The benefit to C is that if the company holding the ATOL goes out of business, they are protected financially as there is a bond given to the CAA which is used to pay claims for refunds and to assist C with returning home if the company goes out of business whilst they are on holiday etc. Cs can contact ATOL to check that the company has the necessary documentation when booking their flight and to check that it is genuine.

### **Association of British Travel Agents (ABTA) (also known as The Travel Association)**

**Tel: 020 311 70597 – Member services team**

**Website: [www.abta.com](http://www.abta.com)**

The UK's largest travel association operates a Code of Conduct for both member tour operators and travel agents. Cs who use their members, also benefit from the protection given by the ABTA bond to secure C's payments if the member goes out of business. A list of members is available on the ABTA website. ABTA offers advice and assistance to Cs who have complaints against its members. There is also an independent arbitration scheme. Details of the procedure for making complaints and time limits are available on the website.

### **Association of Timeshare Owners Committee (The) (TATOC)**

**Tel: 0845 230 2430 / 0345 230 2450**

**Website: [www.tatoc.co.uk](http://www.tatoc.co.uk)**

TATOC exists to safeguard and enhance the timeshare holiday experience for existing and prospective users and to be the voice of owners. It was formed in 1989 and is an elected consumer association representing the interests of timeshare owners in Europe. TATOC will assist Cs with their use of timeshare, both before and after purchase, through user guides, helpdesk assistance and by co-operating to remove rogue players from this marketplace.

### **Civil Aviation Authority (The)**

**Tel: 020 7379 7311**

**Website: [www.caa.co.uk](http://www.caa.co.uk)**

**Email: [infoservices@caa.co.uk](mailto:infoservices@caa.co.uk)**

The CAA is the UK's specialist aviation regulator. It works to ensure that risks to consumers are minimised and that passengers are aware of their rights. The CAA Consumer Panel acts as a "Critical friend" to the CAA providing a consumer perspective on all aspects of the CAA's work.

There are guidelines on the website about: resolving travel problems including delays and cancellations, boarding issues, lost delayed or damaged baggage, travel company problems and tips on complaint making. The CAA will carry out its new role as the competent authority for ADR entities in the UK aviation sector and the guidelines for this are on the website.

### **Resort Development Organisation (RDO)**

**Tel: no telephone just email contact only**

**Website: [www.rdo.org](http://www.rdo.org)**

**Email: [info@rdo.org](mailto:info@rdo.org)**

The RDO is the European trade association for the vacation ownership industry offering advice and information about timeshare. RDO members are bound by a code of conduct and an independent arbitration scheme providing levels of protection beyond those required by law.

## **H2.2.12 Home Improvements**

### **Electrical Contractors' Association**

**Tel: (020) 7313 4800**

**Website: [www.eca.co.uk](http://www.eca.co.uk)**

This is a trade association which encourages and assists its members to provide services which are safe and of good quality and value. All members can self-certify that their work is compliant with Part P of the Building Regulations. It may be appropriate to include details of this organisation to C as pre-shopping advice.

## **Federation of Master Builders (FMB)**

**Tel: 020 70 25 2900**

**Tel: For raising a complaint between an FMB Member and their client: 01223 463111 or email: [disputes@fmb.org.uk](mailto:disputes@fmb.org.uk)**

**Website: [www.fmb.org.uk](http://www.fmb.org.uk)**

**[www.findabuilder.co.uk](http://www.findabuilder.co.uk)**

This is a large trade organisation which has a code of practice and a Trustmark licence. Cs can search online for details of a member. There is also a dispute resolution process for Cs to use if they have a complaint against one of the members. Advice and support is also offered to members.

## **FENSA**

**Tel: (0207) 645 3700**

**Email: [enquiries@fensa.org.uk](mailto:enquiries@fensa.org.uk)**

**Website: [www.fensa.co.uk](http://www.fensa.co.uk)**

This is the Fenestration Self-Assessment Scheme which is administered by the Glass and Glazing Federation. Anyone replacing windows or doors must comply with the Building Regulations.

Homeowners must either use an installer who is registered with FENSA or obtain a certificate from the Local Authority Building Control Department. The FENSA scheme enables traders to self-certify compliance with the Building Regulations. Cs can search the website for registered installers. Callers should be advised to contact FENSA if they wish to source a FENSA registered installer or if they wish to report misuse of the FENSA logo.

## **Furniture Ombudsman (FIRA)**

**Tel: +44 (0)1438 777 700**

**Email: [info@fira.co.uk](mailto:info@fira.co.uk)**

**Website: [www.fira.co.uk](http://www.fira.co.uk)**

This division of FIRA is an independent service with a list of registered members. It operates a code of practice for the furniture industry and also has an independent dispute resolution service which offers both conciliation and adjudication and independent inspections and testing. Advice is also offered to members and to Cs who have a dispute with a member. It is helpful to signpost Cs to this service as part of any pre-shopping advice or for C to find out if the T with whom they are in dispute is registered with the Ombudsman.

## **Gas Safe Register**

**Tel: 0800 408 5500**

**Website: [www.gassaferegister.co.uk](http://www.gassaferegister.co.uk)**

**Email: [enquiries@gassaferegister.co.uk](mailto:enquiries@gassaferegister.co.uk)**

This replaced CORGI from 1st April 2009 and the register exists to protect the public and their property from dangerous gas work. By law, anyone carrying out work on gas installations and gas appliances in the home must be registered with this organisation, which investigates complaints about unsafe installations that have been made by registered and non registered Ts. Those requesting pre-shopping advice in connection with gas installations could be signposted to Gas Safe Register and also those wanting to complain about a potentially unsafe installation.

## **Glass and Glazing Federation (GGF)**

**Tel: 0207 939 9101**

**Website: [www.ggf.org.uk](http://www.ggf.org.uk)**

This is a trade association for makers, fitters and suppliers of glass. The GGF vets members and operates a Code of Practice. It offers both conciliation and arbitration services. It is helpful to signpost Cs to the GGF if they want help to find a T or if they have a complaint against a member of the GGF.

### **Guild of Master Craftsmen**

**Tel: (01273) 478 449**

**Website: [www.guildmc.com](http://www.guildmc.com)**

This is a trade association which encourages high standards of work and responsibility. A help-line is available to assist consumers in locating a member of the Guild.

### **National House Building Council (NHBC)**

**Tel: 0800 035 6422**

**Website: [www.nhbc.co.uk](http://www.nhbc.co.uk)**

NHBC is the standard setting body and leading home construction warranty and insurance provider for new and newly converted homes in the UK. Its role is to work with the house building industry to raise the standards of new homes to provide consumer protection for home buyers.

### **National Inspection Council for Electrical Contractors (NICEIC)**

**Tel: (0870) 013 0382/01582 531000**

**Website: [www.niceic.com](http://www.niceic.com)**

**Email: [enquiries@niceic.com](mailto:enquiries@niceic.com)**

The NICEIC is a consumer safety organisation and is an independent, voluntary regulatory body. It has a register of approved contractors who are required to work to industry standards. It includes members who can self-certify that their work is compliant with Part P of the Building Regulations. It may be helpful to signpost consumers to this organisation as part of your pre-shopping advice or in the event of a complaint being made against one of its members as it operates an independent complaints procedure. The organisation has an insurance backed warranty that covers those contractors who are registered to their Domestic Installer Scheme. The warranty is valid for 6 months from the date of completion and assists consumers if work completed by a contractor who has since ceased trading does not comply with building Regulations and remedial work is required. There is a financial limit of £25, 000 on claims.

## **H2.2.13 Housing and Estate Agency**

### **Association of Residential Letting Agents (The) (ARLA)**

**Tel: 0845 250 6003**

**Website: [www.arla.co.uk](http://www.arla.co.uk)**

The Association of Residential Letting Agents is the professional body for letting agents in the UK. By using a licensed ARLA agreement the agency is covered by their client Money Protection scheme, which means that they will have professional indemnity insurance.

### **Housing Ombudsman Service**

**Tel: 0300 111 3000**

**Website: [www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk)**

**E-mail: [info@housing-ombudsman.org.uk](mailto:info@housing-ombudsman.org.uk)**

In April 2013, this service was launched with an extended jurisdiction covering all housing associations and local housing authorities. This service deals with complaints against member landlords about the way that homes are managed. This includes social landlords (such as housing associations) and some private landlords. It does not cover public housing (council and local authority) which is dealt with by the Local Government Ombudsman. The service will only get involved, after the tenant has written to the landlord and the matter remains unresolved. Tenants of social and private landlords who have complaints against their landlords who are members of the service may be signposted here for guidance.

## **Leasehold Advisory Service (The)**

**Tel: 0207 832 2500**

**Website: [www.lease-advice.org](http://www.lease-advice.org)**

The Leasehold Advisory service is a non departmental public body funded by the Government to provide free legal advice to leaseholders, landlords, professional advisers, managers and others on the law affecting residential leasehold in England and Wales.

## **National Association of Estate Agents (NAEA)**

**Tel: 0845 250 6002**

**Website: [www.naea.co.uk](http://www.naea.co.uk)**

The UK's leading professional body for Estate agency. Members practice all aspects of property including residential and commercial sales and letting, property management, business transfer auctioneering and land.

## **Ombudsman Services - Property**

**Tel: 0330 440 1634**

**Website: [www.ombudsman-services.org/property.html](http://www.ombudsman-services.org/property.html)**

This is a free and independent service which aims to resolve disputes between Cs and various property businesses, e.g. firms which are members of the Royal Institution of Chartered Surveyors, estate agents and residential management or letting agents e.g. members of ARMA (Association of Residential Management Agents). Cs can complain to the Ombudsman on a variety of issues, including: conduct, discourtesy, poor service, incompetence, breach of rules, etc. C must have written to the firm against which they have a complaint and have given them a reasonable opportunity to resolve matters before the Ombudsman will get involved. There are procedures in place for handling complaints depending upon their complaint type and time limits may apply. C should contact the Ombudsman for information at the onset so that they are aware of the rules that will apply in their case. Anyone involved in estate agency, letting agency or property management work must join a redress scheme. There are three approved schemes, those run by the Ombudsman Services Property, the Property Ombudsman and the Property Redress Scheme.

## **Property Ombudsman (The)**

**Tel: (01722) 333 306**

**Website: [www.tpos.co.uk](http://www.tpos.co.uk)**

**Email: [admin@tpos.co.uk](mailto:admin@tpos.co.uk)**

The Ombudsman is independent and offers a free impartial ADR service and review of complaints between its members and buyers and sellers or landlords and tenants of residential property in the United Kingdom, which fall within its scope. C will need to check that their estate agent is a member before contacting the Ombudsman. Comprehensive information about making a complaint is given on the website. Anyone involved in estate agency, letting agency or property management work must join a redress scheme. There are three approved schemes, those run by the Ombudsman Services Property, the Property Ombudsman and the Property Redress Scheme.

## **Property Redress Scheme**

**Tel: 0333 321 9418**

**Website: [www.theprs.co.uk](http://www.theprs.co.uk)**

**Email: [info@theprs.co.uk](mailto:info@theprs.co.uk)**

The Property Redress Scheme is a consumer redress (ombudsman) scheme for property agents and professionals and its main purposes are to: allow agents to comply with their legal requirement to be a member of a government authorised consumer redress scheme and to settle or resolve complaints made by consumers against its members. There is a three stage process to resolve a complaint: the member will first be given an opportunity to resolve the complaint directly; secondly a mediation service will be offered and finally, if required, the Ombudsman will make a binding decision on the

complaint. Anyone involved in estate agency, letting agency or property management work must join a redress scheme. There are three approved schemes, those run by the Ombudsman Services Property, the Property Ombudsman and the Property Redress Scheme.

### **Royal Institution of Chartered Surveyors (RICS)**

**Tel: 0207 222 7000**

**Website: [www.rics.org](http://www.rics.org)**

**E-mail: [contactrics@rics.org](mailto:contactrics@rics.org)**

The RICS is a large 'standards and membership' organisation for professionals involved in land, property construction and environmental issues. Its functions include education and training, strict regulation of professional standards and providing independent advice on the areas within its remit. Searches can be made on the website for members.

### **Shelter**

**Tel: (0808) 800 4444 – free housing advice helpline, Wales: 0345 800 4444**

**E-mail: [info@shelter.org.uk](mailto:info@shelter.org.uk)**

**Website: <http://england.shelter.org.uk>, and [ShelterCymru.org.uk](http://ShelterCymru.org.uk)**

Shelter is a charity that works to alleviate the distress caused by homelessness and poor housing. Shelter England, Shelter Scotland and Shelter Cymru are separate operating divisions of Shelter, working independently to provide services and with their own individual campaign, policy, web content, media and training functions. Shelter provides free, confidential advice to people with all kinds of housing problems, such as disrepair, landlord and tenant disputes, tenancy deposits and possession proceedings. It offers telephone and online advice via its website and e-mail service. Shelter has housing aid centres where people may receive face-to-face advice and which also offer advocacy services and help negotiating with councils, landlords and lenders.

**Important note:** clients should be signposted to Shelter, i.e. provided with the details and encouraged to contact them directly. Only in exceptional circumstances should a mid-call transfer (MCT) be used, such as where the client is vulnerable or at risk. If this is the case, clients should be made aware of the transfer and advisers should endeavour to introduce the client to the Shelter adviser.

#### **Shelter Scotland**

**Tel: (0808) 800 4444 – free housing advice helpline**

**E-mail: [info@shelter.org.uk](mailto:info@shelter.org.uk)**

**Website: <http://scotland.shelter.org.uk>**

## **H2.2.14 Intellectual Property**

### **Federation Against Copyright Theft (FACT)**

**Tel: 0208 568 6646**

**Website: [www.fact-uk.org.uk](http://www.fact-uk.org.uk)**

FACT works with law enforcement agencies to combat all forms of piracy examples of which illegally acquired content can now be accessed through websites which offer direct downloads, file sharing or streaming. Crimestoppers has joined with FACT to make it easy for consumers to report criminal activities.

### **Intellectual Property Office (UK) (IPO) (previously the Patents Office)**

**Tel: 0300 300 2000**

**Website: [www.gov.uk/topic/intellectual-property/patents](http://www.gov.uk/topic/intellectual-property/patents)**

IPO is the official government body responsible for intellectual property rights including patents, designs, trademarks and copyright. Some types of protection is automatic, others have to be paid for. Intellectual property can have more than one owner, belong to people or businesses and be sold or transferred. On the website you can apply for a patent, register a trade mark, and do searches for registered designs, trademarks and patents. Support IPO enforcement help reduce the flow of counterfeit goods into the UK.

### **Performing Rights Society (PRS)**

**Tel: (0845) 3093090 / 0800 068 4828**

**Website: [www.prsformusic.com/Pages/default.aspx](http://www.prsformusic.com/Pages/default.aspx)**

The Society issues licences and collects users (those using copyright protected music outside of the home) and passes them on as royalties to writers and publishers of music. Callers should be directed to this organisation if they wish to apply for a licence or if they make complaints regarding people or organisations that they suspect do not have a licence.

### **Public Performance License (PPL)**

**Tel: 020 7534 1000**

**Website: [www.ppluk.com](http://www.ppluk.com)**

**Email: [info@ppluk.com](mailto:info@ppluk.com)**

PPL is a not-for-profit music licensing company which, on behalf of 45,000 performers and 5,750 record companies, licenses the use of recorded music in the UK, for public performance, broadcast and new media use. This enables TV and radio stations, online streaming services and hundreds of thousands of shops, pubs and other outlets to use recorded music in their business. Anywhere that plays recorded music or music videos in public, broadcasts them or copies them in order to play or broadcast them, within the UK, will be infringing copyright unless they are appropriately licensed by PPL.

## **H2.2.15 Legal Advice and Education**

### **Advisory, Conciliation and Arbitration Service (ACAS)**

**Tel: 0300 123 1100**

**Website: [www.acas.org.uk](http://www.acas.org.uk)**

ACAS offers information, advice and training, working with both employers and employees to improve performance, create a better working environment and to resolve disputes. There is a helpline available which is confidential. It may be appropriate to signpost those who have queries regarding employment issues to this organisation.

### **Civil Legal Advice (CLA)**

**Tel: 0345 345 4345**

**Website: [www.gov.uk/civil-legal-advice](http://www.gov.uk/civil-legal-advice)**

**Email: [emailhelp@communitylegaladvice.org.uk](mailto:emailhelp@communitylegaladvice.org.uk) (for feedback and complaints only)**

CLA enables people to find legal information, advice and assistance via organisations that are accredited by the Legal Services Commission. This includes amongst others CABs, law centres and solicitors. Some of the organisations offer their services free of charge. People may be entitled to financial assistance for the service through legal aid. CLA is also a free legal information service and has a range of leaflets and fact sheets on various subjects including benefits, employment, debt, employment and landlord and tenant issues. It can also assist people with finding a local legal advisor or solicitor. Cs who have a problem, which is beyond the scope of the Citizens Advice consumer service, for which they are seeking a legal adviser or legal information, could be signposted to CLA . Those seeking a level of service that cannot be provided by the Citizens Advice consumer service or TSS could also be signposted here.

## **CLS Direct Legal Service**

**Tel:** Not published

**Email:** [contact@clsdirect.org.uk](mailto:contact@clsdirect.org.uk)

**Website:** [www.clsdirect.org.uk](http://www.clsdirect.org.uk)

CLS direct is a Direct Community Free Legal service to consumers who need legal information or guidance and can be used for signposts.

## **European Consumer Centre (UK ECC)**

**Tel:** (0845) 04 05 03

**Email:** [ecc@tsi.org.uk](mailto:ecc@tsi.org.uk)

**Website:** [www.ukecc.net](http://www.ukecc.net)

This is a service provided by the CTSI. It gives support and information to Cs who engage in shopping throughout the EU. The service is able to assist Cs in many different ways including, encouraging them to take steps to progress their dispute; informing them of legal rights, duties, time limits and options available; providing detailed information about any out-of-court resolution processes that are available and discussing the pros and cons of each; helping to review the progression of disputes. This is a very useful service for many Cs who have bought goods from Ts who are not located in the UK and who are unsure of their legal rights and or how to progress their complaint.

## **Law Society**

**Contact Details:**

**Website:** [www.lawsociety.org.uk](http://www.lawsociety.org.uk)

The law society offers advice and support for members of the legal profession and signposts information for consumers on legal issues.

### **Law Society for Scotland**

**Tel:** 0131 226 7411

**Website:** [www.lawscot.org.uk](http://www.lawscot.org.uk)

The law society for Scotland offers advice and support for members of the legal profession. All Scottish practising solicitors are members of the society and are required to meet high standards. The society has a governing council which sits as the principal decision making body of the organisation.

## **Legal Ombudsman (The) (can also be accessed through the Law Society)**

**Tel:** 0300 555 0333

**Website:** [www.legalombudsman.org.uk](http://www.legalombudsman.org.uk)

The Legal Complaints Service handles complaints about unsatisfactory services provided by solicitors and billing complaints where the work undertaken by the solicitor did not involve court proceedings. Consumers with complaints about the quality of service from their solicitor should complain first of all to their solicitor, following their internal complaints procedure. If the matter does not get resolved they can contact the Legal Complaints Service who will try to reach a resolution with the solicitor. Complaints about professional misconduct are dealt with by the Solicitor's Regulation Authority (see below).

### **Legal Services Agency (Scotland)(LSA)**

**Tel:** 0800 316 8450 / 0141 353 3354

LSA is a charity and law centre which provides advice and representation in courts in Scotland. Generally LSA aims to assist those in disadvantage who suffer injustice. LSA particularly concentrates on housing and social welfare law, but also deals with a number of other areas including mental health and social work. It is a key source of legal research, advice and



representation for those in disadvantage and initial advice is free.

### **OFSTED – Office for Standards in Education, Children’s Services and Skills**

**Tel: 020 742 16500/0845 640 4040**

**Website: [www.gov.uk/government/organisations/ofsted](http://www.gov.uk/government/organisations/ofsted)**

OFSTED is the Office for Standards in Education, Children’s Services and Skills. OFSTED inspects and regulates services that care for children and young people and services providing education skills for learners of all ages.

### **Register of Judgments, Orders and Fines**

**Tel: (020) 7380 0133**

**Website: [www.trustonline.org.uk](http://www.trustonline.org.uk)**

**Email: [info@trustonline.org.uk](mailto:info@trustonline.org.uk)**

This replaced the old Register of County Court Judgments on 6th April 2006. The register includes, amongst other things, information about: County Court judgments (CCJs); Administration Orders (AOs); High Court Judgments; and Magistrates’ fines defaults.

The information held on the register is used by credit reference agencies and can adversely affect a debtor’s credit rating. A search can be carried out concerning an individual or an organisation by various means and a fee is payable. It may be very useful for a consumer to conduct a search if they are considering taking court action against an individual or an organisation. This will help to find out more information about their ability to pay any award if the consumer is successful at court.

### **Scope**

**Tel: 0808 800 3333**

**Website: [www.scope.org.uk](http://www.scope.org.uk)**

Scope – the disabled people’s organisation is a charity that exists to make this country a place where disabled people have the same opportunities as everyone else. Scope provides support information and advice to disabled people and their families and raises awareness of the issues that matter

### **Scottish Information Commissioner’s Office**

**Tel: (01334) 464 610**

**Website: [www.itspublicknowledge.info](http://www.itspublicknowledge.info)**

**E-mail: [enquiries@itspublicknowledge.info](mailto:enquiries@itspublicknowledge.info)**

The Scottish Information Commissioner has responsibility for the enforcement and supervision of the Data Protection Act 1998 and the Freedom of Information (Scotland) Act 2002. The aim is to ensure that the public has proper access to official information and that personal information is also protected. The Information Commission can take action under the Unfair Terms part of the CRA. Amongst the complaints that can be signposted to the Scottish Information Commissioner’s Office are those from Cs reporting the misuse of their personal information.

### **Scottish Legal Aid Board**

**Tel: 0131 226 7061**

**Website: [www.slabb.org.uk](http://www.slabb.org.uk)**

Scottish Legal Aid board offers civil, criminal and children’s legal aid. Deal with issues such as housing eviction, repossession, welfare benefits debt or small claims court.

### **Scottish Records Advisory Council**

**Tel: 0131 535 1403**

**Website: [www.scottishrecordsadvisorycouncil.info](http://www.scottishrecordsadvisorycouncil.info)**

The Scottish Records Advisory Council is a statutory body, its function is to advise Scottish

ministers and act as a channel of response about services and facilities provided for public access.

### **Solicitor's Regulation Authority (SRA)**

**Tel: 0370 606 2555**

**Email: [contactcentre@sra.org.uk](mailto:contactcentre@sra.org.uk)**

**Website: [www.sra.org.uk](http://www.sra.org.uk)**

This is an independent regulatory body of the Law Society of England and Wales which deals with the conduct of solicitors and has a monitoring and enforcement role. Solicitors are required to work following professional principles and a code of conduct and the SRA offers advice to aid compliance. If a consumer has a complaint against their solicitor about alleged professional misconduct this should be reported to the SRA which has a range of powers. Other complaints concerning cost and level of service are handled by the Legal Complaints Service.

### **Which?**

**Tel: 01992 822800**

**Website: [www.which.co.uk](http://www.which.co.uk)**

The largest consumer body in the UK testing and reviewing products, also produce a widely known magazine and online subscriptions. Which is a not for profit charitable organisation. They offer signposts on Mortgages, legal services and money helpline.

## **H2.2.16 Licensing, Advisory and Regulatory Bodies**

### **Assay Office London**

**Contact details:**

**Website: [www.thegoldsmiths.co.uk](http://www.thegoldsmiths.co.uk)**

This is one of the four Assay Offices in the UK which offers advice on the authenticity of hallmarks and the quality of silver and jewellery. Queries to signpost here include those regarding the authenticity of platinum, gold, and silver goods purchased, which are often items of jewellery.

### **Association of British Introduction Agencies (The) (ABIA)**

**Tel: 07919 612975**

**Website: [www.abia.org.uk](http://www.abia.org.uk)**

The ABIA is recognised as the authoritative voice of the Introduction industry. If C joins an ABIA registered dating agency, they will adhere to the ABIA code of practice. The site offers dating security tips.

### **British Hallmarking Council**

**Tel: (0870) 763 1414**

**Website: [www.gov.uk/government/organisations/british-hallmarking-council](http://www.gov.uk/government/organisations/british-hallmarking-council)**

The Council supervises the four Assay Offices and plays an advisory role to the government. The Council is willing to answer queries on assay and hallmarking from both Ts and Cs. TSS are responsible for enforcement in relation to some of the Hallmarking Act 1973. In particular, the council would be interested in complaints concerning the lack of a hallmark and the use of hallmarks on items which it is suspected should not bear one, contact details depend on the complaint and office protocols.

## **British Standards Institution (BSI)**

**Tel: 0845 086 9001**

**Website: [www.bsigroup.com](http://www.bsigroup.com)**

**E-mail: [cservice@bsigroup.com](mailto:cservice@bsigroup.com)**

BSI is the organisation that is responsible for the production of British Standards. It is also able to test consumer products. Cs may be signposted to the BSI if they want to know what the British Standard is for a product.

## **Gambling Commission**

**Tel: (0121) 230 6666**

**Website: [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)**

**E-mail: [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)**

The Commission regulates casinos, bingo, gaming machines, lotteries, betting and remote gambling. Any queries in relation to these topics should be signposted to the Commission.

## **H2.2.17 Parking**

### **British Parking Association**

**Tel: 01444 447 300**

**Email: [info@britishparking.co.uk](mailto:info@britishparking.co.uk)**

**Website: [www.britishparking.co.uk](http://www.britishparking.co.uk)**

The BPA is the largest professional association in Europe representing organisations in the parking and traffic management industry. These organisations include manufacturers, car park operators, local authorities, shopping centres and more. BPA promotes and influences the best interests of the traffic management industry throughout the UK and London.

Following the introduction of the Protection of Freedoms Act 2012, (PFA) the BPA set up POPLA (Parking on Private Land Appeals) to review appeals against parking charges issued by Approved Operators Scheme (AOS) BPA members in respect of private land.

BPA will investigate complaints about alleged non-compliance with the code by BPA members, e.g. non-display of the AOS and BPA logos in car parks, but cannot assist with parking disputes from the public. These are the remit of POPLA and or the courts.

The PFA banned clamping and towing of vehicles where there is no lawful authority. Specific legislation provides lawful authority, e.g. to public roads where road traffic laws apply, to statutory authorities such as the police and the DVLA and to some designated parking areas such as car parks at railway stations, airports, ports, harbours, strategic river crossings and certain common land areas. Private landowners attempting to claim lawful authority simply because they have put up a notice or issued T&C will not automatically achieve this. Clamping vehicles on private land is a criminal offence under the PFA and should be reported to the police.

All car parks should be clearly signed with their T&C and indicate whether parking is free or not and whether a pay and display ticket is required. The BPA code regulates: display signage required; staff behaviour and a maximum charge of £100 (more if BPA agrees). Any BPA member staff should wear a uniform and carry photo ID. CCTV and other technology are permitted and clients who enter a car park and then choose to exit rather than park should be given a reasonable amount of time to leave.

Users of private car parks, e.g. for retail parks or blocks of flats and on private roads, in breach of the T&C cannot be clamped, towed away or otherwise immobilised, they can only be issued with or sent (within 14 days) a **PARKING** Charge Notice (PCN), which is different from a **PENALTY** Charge Notice issued by the police or the Council. The PCN can only be issued to the registered keeper and

access to the DVLA database would be necessary to obtain this information (unless a ticket was handed to a driver at the time or left on the windscreen) as cameras on such sites usually only obtain information about the number plate.

The BPA is the only ATA (accredited trade association), membership of which is required for DVLA access. Non-members mainly rely on people paying a ticket because it was on their windscreen, providing their name and address details in the process.

If parking is not invited and there is trespass, a landowner will be able to request DVLA information without ATA membership but this is likely to be rare and will not apply if the owner is in fact running a parking business.

The PCN will ask the registered keeper to: pay the charge within 28 days, appeal to the company (14 days to acknowledge receipt and 35 days to respond) or provide the name and address of the driver. "Keeper liability" allows the keeper to be pursued if this doesn't happen, unless proof that the car was stolen or sold before the breach or it was a hire car. The PCN should also indicate details about complaint resolution and when C can go to POPLA.

Clients should be advised to contact BPA to check whether the company issuing a parking ticket is a member and therefore able to enforce it. If they are not the matter should be reported to BPA and DVLA and any disputes or appeals with non-members will have to be resolved through the courts as they will not be required to subscribe to an appeals process.

There are details of the Safer Parking Scheme (SPS) and the Institute of Parking Professionals on the BPA website. The SPS, which allows car parks to display the Park Mark, is awarded to parking facilities that have met police risk assessment requirements to show that the operator has put measures in place to help deter criminal activity and antisocial behaviour, so reducing the fear of crime taking place in the parking facility. The Institute of Parking Professionals is an independent body representing individuals engaged in the UK parking and traffic management sector.

## **POPLA**

**Tel: 0845 2077700**

**Email: [enquiries@popla.org.uk](mailto:enquiries@popla.org.uk)**

**Website: [www.popla.org.uk](http://www.popla.org.uk)**

POPLA (Parking on Private Land Appeals) offers independent resolution for non –statutory parking charges.

POPLA is dedicated to providing easy and efficient dispute resolution for Parking Charge Notices (PCN) issued in respect of parking on private land by a BPA member. The service covers E&W and there is a 28 day period for an appeal following a BPA operator's decision. POPLA's decisions are binding on the operator but not C, although if C chooses to go to court, they should be informed that it may take the POPLA decision into account.

## **Traffic Penalty Tribunal (TPT)**

**Tel: 01625 445555**

**Website: [www.trafficpenaltytribunal.gov.uk](http://www.trafficpenaltytribunal.gov.uk)**

The TPT is comprised of independent adjudicators who consider appeals against penalty charge notices issued by the majority of councils in England and Wales. It deals with immobilising, clamping or removing vehicles without lawful authority when parked on private land. Motorists and owners of vehicles that have been removed, clamped or issued with parking penalty charge notices (parking tickets) or bus-lane penalty charge notices by the council, can use this service. The Service administers a tribunal where appeals are considered by impartial lawyers. It may be appropriate to

signpost Cs to this organisation after they have written to the council in question and they have not received a satisfactory response.

Wheel clamping in Scotland is against the law unless carried out by the police using statutory powers.

In some parts of Scotland, mainly outside the larger cities, parking is still controlled by the police and breaches are a criminal offence so either police officers or police traffic wardens will issue Fixed Penalty Notices.

Appeals against Penalty Charge Notices issued by Scottish Councils, are dealt with by the:

**Scottish Parking Appeals Service**

**Tel: 0131 221 0409**

**Website: none**

**Transport for London**

**Tel: 0343 222 222 (congestion charge line)**

**Website: [www.tfl.gov.uk](http://www.tfl.gov.uk)**

TFL is the local government organisation responsible for London's transport system. It deals with details of: routes, maps, journey planners, oyster cards, cycling and congestion charges on the website.

## H2.2.18 Phone and the Internet

**Communication and Internet Services Adjudication Scheme (CISAS)**

**Tel: 020 7520 3827**

**Website: [www.cisas.org.uk](http://www.cisas.org.uk)**

**E-mail: [info@cisas.org.uk](mailto:info@cisas.org.uk)**

CISAS is an independent dispute resolution service. It deals with issues regarding bills and communication services where there is a dispute against one of its members which has been unresolved within 8 weeks of first complaining to the company or if the company refers the complaint to CISAS. Cs with telephone and internet service complaints should be advised to check the CISAS website to find out if their supplier is a member. C's application to CISAS must be made not more than 3 months after the last correspondence sent by the company (see the website for details of these time limits). If either party is unhappy with the decision of CISAS they can complain to OFCOM although it does not have power to repeal the decision.

**Information Commissioner's Office (The) (ICO)**

**Tel: From the UK: 0303 123 1113 or 01625 545745**

**From overseas: +44 1625 545745**

**Website: [www.ico.gov.uk](http://www.ico.gov.uk)**

**Email: [notification@ico.gsi.gov.uk](mailto:notification@ico.gsi.gov.uk)**

The Information Commissioner has responsibility for the enforcement and supervision of the Data Protection Act 1998 and the Freedom of Information Act 2000. The aim is to ensure that the public has proper access to official information and that personal information is also protected. The Information Commission can take action under the Unfair Terms part of the CRA. Amongst the complaints that could be signposted to the Information Commissioner's Office are those from Cs reporting the misuse of their personal information.

**Ombudsman Services: Communications (OS:C)**

**Tel: 0330 440 1614 or 01925 430049**

**Website:** <http://www.ombudsman-services.org/communications.html>

**Email:** [enquiries@os-communications.org](mailto:enquiries@os-communications.org)

This is an Ombudsman service for public communication providers and their customers. It is a free and independent service which is approved by Ofcom. It only deals with complaints against its members (online search available on the website).

The procedure is that the customer must first complain to the service provider and if the complaint is unresolved after 8 weeks, OS:C will then consider it. Customers must complain within 6 months of receiving a 'deadlock letter' from their service provider. OS:C has various powers of enforcement and can award compensation and issue various other sanctions. If the customer is unhappy with the decision they will have to take court action. Ofcom may be informed if the complaint is regarding procedure, although they do not have the power to change the decision.

### **PhonepayPlus (formerly Independent Committee for the Supervision of Standards of the Telephone Information Services (ICSTIS))**

**Tel:** 0800 500 212 / 020 7940 7474 (for general enquiries)

**Website:** [www.phonepayplus.org.uk](http://www.phonepayplus.org.uk)

This is a regulatory body which has codes of practice and guidelines for the promotion, content and operation of premium rate services (e.g. '090' numbers). PhonepayPlus will investigate and adjudicate complaints. It will not, however, seek remedies for individual Cs - although PhonepayPlus can order a company to refund money if they have completed an investigation and where such redress is imposed as a sanction. Cs need to write to the T seeking redress themselves.

### **Telephone Preference Service**

See Advertising, Media and Marketing

## **H2.2.19 Public Transport**

### **Transport Focus (previously Passenger Focus)**

**Tel:** (0300) 123 2350    **Scotland:** 08453 022 022

**Website:** [www.transportfocus.org.uk](http://www.transportfocus.org.uk)

This is an independent body, which was set up by the government, to protect rail, bus and tram passengers and it is the consumer watchdog. The types of issues dealt with include: fares and tickets, the quality and level of service and investment. Cs can be signposted to Transport Focus when they want to know their rights, need advice, or would like help in progressing a complaint that is unresolved. It resolves complaints with rail companies, campaigns for improvements and also gathers research and information e.g. National Rail Passenger survey.

## **H2.2.20 Service Associations**

### **Association of Master Upholsterers & Soft Furnishers (The)**

**Tel:** 01494 569120

**Email:** [enquiries@upholsterers.co.uk](mailto:enquiries@upholsterers.co.uk)

**Website:** [www.upholsterers.co.uk](http://www.upholsterers.co.uk)

This is the trade association for the upholstery industry and members' quality of work is vetted regularly. The association has a complaints and mediation procedure to ensure disputes can be resolved amicably. It has published a consumer code of practice outlining what consumers have a right to expect from their members and giving guidance on contracts and expectation.

### **Association of Plumbing & Heating Contractors (APHC)**

**Tel:** 0121 7115030

**Email:** [info@aphc.co.uk](mailto:info@aphc.co.uk)

**Website:** [www.aphc.co.uk](http://www.aphc.co.uk)

APHC is a trade body for the plumbing and heating industry in England and Wales. Being a member of APHC distinguishes professional businesses from rogue traders.

### **Bereavement Register**

**Tel:** 0800 082 1230 – registration line

**Email:** [help@thebereavementregister.org.uk](mailto:help@thebereavementregister.org.uk)

**Website:** [www.thebereavementregister.org.uk](http://www.thebereavementregister.org.uk)

Using the bereavement register can reduce the amount of unwanted marketing post being sent to people who have passed away. The aim is to enable companies to rid their databases of out of date and inaccurate information. The service screens over 70% of all direct mail sent in the UK, and reduces distress for bereaved families.

### **British Computer Society (The)**

**Tel:** 01793 417417

**Website:** [www.bcs.org](http://www.bcs.org)

BCS is a professional, nominated and awarding body. It is a learned society and a registered charity. BCS is a leading IT qualification body offering a range of widely recognised qualifications. It offers a professional advice register, where members are bound by the BCS code of conduct and appropriate codes of practice.

### **Chartered Institute of Plumbing & Heating Engineers (CIPHE)**

**Tel:** 01708 472791

**Email:** [info@ciphe.org.uk](mailto:info@ciphe.org.uk)

**Website:** [www.ciphe.org.uk](http://www.ciphe.org.uk)

CIPHE is the professional body for the UK plumbing and heating industry and offers a code of professional standards for its members.

### **Dry Cleaning Complaints Arbitration Service**

**Tel:** (01423) 560 436

**Website:** [www.drycleaningcomplaints.co.uk](http://www.drycleaningcomplaints.co.uk)

This is an arbitration service which aims to assist those with unresolved complaints where there is an allegation that items that have been damaged in some way during a dry cleaning process. Fault analyst reports can be requested upon payment of a fee to determine the cause of the problem.

### **Furniture Industry Research Association (FIRA International)**

**Tel:** (01438) 777 700

**Website:** [www.fira.co.uk](http://www.fira.co.uk)

**E-mail:** [info@fira.co.uk](mailto:info@fira.co.uk)

This is an independent research and technology centre (previously QUALITAS) dealing with furniture. It is known worldwide and has expertise in testing, assessment and certification of furniture. This can be a very helpful organisation when there is a dispute as to liability and, in particular as to whether a fault is a manufacturing defect. Cs should take further advice before instructing experts and the cost of obtaining a report should also be considered.

### **National Association of Caravan Owners (NACO)**

**Tel:** 01255 820321

**Email:** [info@nacservices.com](mailto:info@nacservices.com)

**Website:** [www.nacoservices.com](http://www.nacoservices.com)

NACO is the leading UK provider of static caravan insurance, advice and support. It also offers search tips on website about how to sell a caravan or advertise it.

### **National Association of Funeral Directors (NAFD)**

**Tel:** 0121 711 1343

**Email:** [info@nafd.org.uk](mailto:info@nafd.org.uk)

**Website:** [www.nafd.org.uk](http://www.nafd.org.uk)

The NAFD represents the spectrum of funeral directing businesses, including independent ones. The NAFD code of practice sets out high standards that bereaved families may expect in their dealings with a funeral firm member.

### **Professional Publishers Association (PPA) (previously known as Periodical Publishers Association)**

**Tel:** 020 74044166

**Email:** [info@ppa.co.uk](mailto:info@ppa.co.uk)

**Website:** [www.ppa.co.uk](http://www.ppa.co.uk)

The PPA represents companies ranging from consumer magazines to business to business data and information providers. A membership scheme is offered and the association is the voice of the professional publishers.

### **Radio, Electrical and Television Retailers Association (RETRA)**

**Contact Details:**

**Email:** [retra@retra.co.uk](mailto:retra@retra.co.uk)

**Website:** [www.retra.co.uk](http://www.retra.co.uk)

RETRA is the UK's leading trade association for independent electrical retailers and servicing organisations. RETRA also represents its members views and interests at a national level, maintaining dialogue with manufacturers, Government and other key organisations.

### **Royal Incorporation of Architects in Scotland**

**Contact Details:**

**Email:** [info@rias.org.uk](mailto:info@rias.org.uk)

**Website:** [www.rias.org.uk](http://www.rias.org.uk)

The Royal Incorporation of Architects in Scotland is the professional body for all chartered architects in Scotland and is the foremost institute dealing with architecture and the built environment. RIAS offers a wide range of services and products for architects construction industry professionals and all those with an interest in the built environment and the design process.

## **H2.2.21 Utilities**

### **Consumer Council for Water (CCW)**

**Tel:** 020 7931 8502

**Website:** [www.ccwater.org.uk](http://www.ccwater.org.uk)

**Email:** [enquiries@ccwater.org.uk](mailto:enquiries@ccwater.org.uk)

C should try to resolve their own complaint by writing to the supplier in the first instance. If C has followed the company's complaint procedure and is still not happy, they can ask CCW to investigate. CCW will advise how they might be able to take the matter forward and what resolution, if any, C can expect from the company. Cs can seek advice from CCW at any stage of the complaint.

### **Energy Savings Trust (EST)**



**Tel: (0800) 512 012**

**Website: [www.energysavingtrust.org.uk](http://www.energysavingtrust.org.uk)**

The EST is a non-profit organisation funded by the Government. It provides free independent advice on saving energy in the home. The EST provides information on grants and subsidies that may be available and contact details of local installers of energy saving measures.

## **LPG UK**

**Tel: unable to answer public queries, contact by email**

**Email: [autogas@uklpg.org](mailto:autogas@uklpg.org)**

**Website: [www.drivelpg.co.uk](http://www.drivelpg.co.uk)**

The Vehicle Register is a database of UK vehicles that have been converted to run on Autogas. It provides free access for insurance companies, brokers, taxi licensing officers and consumers to confirm that a vehicle has been converted or checked and meets industry safety standards.

Consumers can check for local installers and if their vehicle appears on the register by entering their vehicle registration number.

## **Oil Firing Technical Association (OFTEC)**

**Tel: 01473 626298**

**Website: [www.oftec.org.uk](http://www.oftec.org.uk)**

**Email: [enquiries@oftec.org](mailto:enquiries@oftec.org)**

OFTEC is a trade association that works on behalf of the oil heating and cooking industry. OFTEC manages a competent person registration scheme, for technicians who install, commission and service oil and renewable heating and cooking equipment. OFTEC provides help and advice to consumers as well as technical information to professionals. Consumers can conduct an online search to source a registered technician. There are also a series of frequently asked questions that are informative to consumers on issues such as boilers, storage tanks, etc.

## Summary

- C may require **advice** at any point in the 9 stage journey but it is likely to be particularly necessary at **stage 5** when C will need to know what rights and obligations they have in relation to their issue, when they attempt to resolve it and the **5R staged approach** is likely to result in an effective use of time and the correct identification of relevant advice.
- Most queries will be based on a contractual **relationship** between T and C, although sometimes it may be appropriate to advise third parties on the laws of negligence and or product liability; it may even be necessary to consider whether a contract exists at all, if there has been protracted negotiation or a delayed online acceptance of C's offer to buy; it will also be necessary to establish that the parties fit the definitions of being a trader and a consumer.
- C's **rights** will be located in various pieces of legislation, depending on the problem, the nature of the product affected, where the contract was made and the remedy required; express terms of the contract may also provide certain rights.
- What has gone **wrong** for C will not necessarily be as a result of a breach, since it is possible that there has been misuse or fair wear and tear and sometimes it is simply too late to achieve what C would like; although, it may still be appropriate to advise negotiation for C while pointing out that there may be no legal basis for this.
- What **remedies** are available depends on a number of factors, such as timing, the issue, what T has already done and what C would like to achieve; different legislation provides for various remedies and there may be overlap and benefits and drawbacks to following certain avenues.
- The final stage of the process is to check whether there is anything that should be **referred** to TSS for enforcement purposes, regardless of whether C has been given civil advice or not, bearing in mind the wide nature of the CPRs and the vast list of legislation that a typical TSS would deal with.
- There is a **wide range of bodies and organisations that may be able to provide C with specialist advice or information** and details of the most commonly used are categorised into 21 alphabetical groups, ranging from advertising to utilities.

## H3 Alternative Dispute Resolution

Before going to court, C should always try to reach an agreement with the T they are in dispute with. If a court claim is initiated without making any effort to reach an agreement first, C may find that the judge will hold this against them when considering payment of costs in the case. They may not get their costs back, or the court may order them to pay the other party's costs, even if they win the case. Other ways Cs might try to reach an agreement include processes like negotiation, mediation and arbitration. They are often more informal than the court process and are commonly referred to as ADR. Figure H3 provides details of the various stages that are likely to be involved.

### H3.1 Types of ADR

ADR helps Cs resolve disputes with Ts when they have a problem with a product or service they have purchased, without having to resort to legal action. ADR schemes are a means of resolving disputes out-of-court. They involve a neutral party, usually a specialist in the sector, who proposes or imposes a solution or brings the parties together to help them find a solution. The benefits for Cs are that ADR schemes are usually free or low cost, simple to use, have defined time periods for dealing with complaints and the decision is usually binding on T, with C usually retaining the right to reject an ADR scheme decision and pursue their claim in court. ADR schemes often incorporate informal and formal stages, initially attempting to negotiate a mutually acceptable outcome for both parties before instigating formal procedures. ADR does not include internal complaint services provided by T. Some ADR schemes operate fully online and are called online dispute resolution (ODR). This can help solve disputes with online purchases, when C and T are located in different places or countries.

ADR can be carried out in different ways and the main forms used for resolving consumer problems are discussed below.

#### H3.1.1 Negotiation

This involves a dialogue between two or more people or parties intended to reach a mutually beneficial outcome, resolve points of difference and or reach an outcome to satisfy various interests.

#### H3.1.2 Mediation

The parties involved enlist the help of a third party to try to resolve the issues between them. It is usual for mediators to charge for their services. Some local authorities allow their consumer advisors to offer this facility.

- ✓ **Facilitative mediation** is where a third party provides an environment for the parties to meet but they do not intervene to advise.
- ✓ **Evaluative mediation** is where the mediator will assess the positive and negative aspects of the case with the parties.

#### H3.1.3 Conciliation

The third party in a conciliation process actually suggests solutions for the issue and the parties can agree to be bound by the decision if they wish and this could then be enforced by a court. It is often used for employment and family matters.

#### H3.1.4 Ombudsman

Some sectors, e.g. energy and financial services, have an ombudsman scheme to determine disputes and this provides an independent, impartial decision. Such schemes are often free for Cs and leave them able to pursue the matter through the courts if they wish but the T usually has to pay and is bound by the decision. Ombudsman schemes are usually a last resort once C has exhausted all the avenues available with T themselves and there are often minimum time periods before one can be used, e.g. 8 or 12 weeks. Recently, as a result of legislation discussed below, some have become certified to deal with general consumer issues.

### H3.1.5 Arbitration

This is a formal procedure used to resolve disputes where a third party reviews the evidence in the case and imposes a decision that is legally binding on both sides and enforceable in court.

Regulations made under the Arbitration Act 1996 mean that a contract term, which requires disputes to be referred to arbitration, when the claim is for £5,000 or less, is automatically unfair, as this would appear to take away the right to go to court. Clauses that suggest or provide for arbitration, rather than require it, will not therefore automatically be unfair.

### H3.2 ADR benefits

As an alternative to court, ADR offers problem resolution that is less stressful, more flexible, solves disputes faster and cost consumers less than taking court action. A court uses the law to decide the outcome of a case whereas ADR schemes have more options and benefit from expertise in the sector. ADR could also help C achieve an outcome that would not be available to a court:

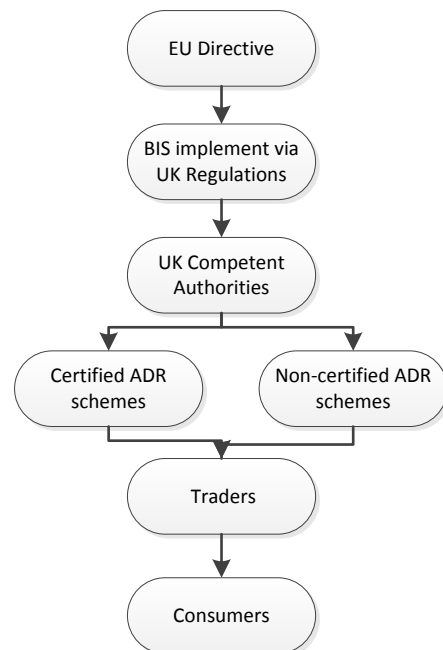
- a change in the way a person or organisation behaves
- an agreement that a person or company will not do something
- something fixed or replaced
- an apology
- an explanation for what happened
- a mistake corrected
- compensation

### H3.3 ADR legislation

E-commerce and cross-border trade contribute to the health of EU economic performance. EU law provides equal consumer rights for Cs across the EU. The ADR Directive [2013/11/EU] was introduced to ensure that to accompany these rights, there was also equal access to redress for consumer disputes and a raised awareness, for both Cs and Ts, of the role ADR plays in the consumer journey. ODR legislation facilitates access, via an EU hosted online platform, to the relevant ADR schemes for issues involving cross-border disputes.

The UK implemented the ADR Directive into UK law as The Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015. The main requirement of the ADR Regs is to ensure that ADR, provided by a certified ADR scheme, is available for any dispute concerning contractual obligations between a C and a T. This hierarchy is illustrated by figure H3.

Figure H2



The ADR Regs, which apply throughout the UK (health services are exempt) provide:

- C with an efficient and cost effective way to resolve disputes with T, and
- T with an opportunity to show how seriously they take the effective resolution of disputes with Cs.

The ODR Regs, which also apply throughout the UK, will provide:

- C and T with a single point of entry for registering problems with cross-border disputes
- a requirement for each EU member to designate an ODR contact point

### H3.4 Membership of ADR schemes

Ts may need to be part of an ADR scheme for one of two reasons:

- it is a requirement of their sector specific legislation e.g. banks have to be part of the FOS
- the rules of a trade association they have chosen to join specify membership

Ts who are part of an ADR scheme, must provide information about this to Cs, and they have to state the name and website address of the ADR scheme they are a member of:

- on their website (if they have one) AND
- in the T&C of sales and service contracts with Cs

Whether they are required to be a member of an ADR scheme or not, when Ts have exhausted their own internal complaints handling procedure, they are required to do the following for C using a durable medium:

- confirm they have not been able to resolve the complaint
- provide the name and website of a certified ADR scheme, should C wish to use ADR
- confirm whether they are obliged or willing to use that ADR scheme (they may choose to use a non-certified ADR scheme or to not use ADR).

In addition, a link to the ODR platform will need to be provided on T's websites where:

- T sells goods or services online
- T provides a platform for the sale of goods or services online

### H3.5 Certification of ADR schemes

ADR schemes have to meet the requirements of the ADR Regs in order to operate. A body referred to as the 'competent authority' is empowered to carry out a certification process and to provide BIS with a list of all certified ADR schemes for its sector, a summary is provided in table H7. BIS' role is to consolidate details of certified ADR schemes for all sectors and transfer that information to the EU, who use it to create and make available an online EU wide list of certified ADR schemes. Competent authorities set the rules of membership for certified ADR schemes. Non-certified ADR schemes will continue to operate either because they are not required or choose not to join a scheme, or have their application to become certified refused.

**Table H7: Summary of competent authorities and certified ADR schemes**

Sector	Competent authority	Certified ADR scheme(s)
<b>Aviation</b>	Civil Aviation Authority (CAA)	Various
<b>Energy</b>	Ofgem	Ombudsman Services: Energy
<b>Estate Agency</b>	Powys TS (lead enforcement authority for Estate Agents Act 1979)	The Property Ombudsman Ombudsman Services: Property Property Redress Scheme
<b>Finance</b>	Financial Conduct Authority	Financial Ombudsman Service
<b>Gambling</b>	Gambling Commission	Various
<b>Post</b>	Ofcom	Postal Service Redress Scheme (POSTRS)
<b>Telecommunications</b>	Ofcom	Ombudsman Services: Communications Communications and Internet Adjudication Service (CISAS)
<b>Regulated Legal Services</b>	Legal Services Board	Legal Ombudsman
<b>Non-regulated sectors</b>	Chartered Trading Standards Institute (CTSI)	Various

## H3.6 Access to ADR schemes

Certain information must be provided about ADR schemes, as per table H8, and how this fits within C's journey is mapped out in table H9. Details required, include:

- ✓ how the scheme works
- ✓ how C can submit a complaint
- ✓ the timescales within which this has to be done
- ✓ grounds on which the provider can refuse to deal with an issue

### H3.6.1 Information about the scheme's procedure

Certified ADR schemes must provide easy to access information about their ADR procedure on their website, and if requested, supply this to C on a durable medium, as per table H7. C's journey is mapped to the ADR Regs in table H8.

**Table H8: ADR procedure information requirements**

Type of information	Brief details
<b>Contact details</b>	Name, postal address and email address
<b>Status and staff</b>	Statement from competent authority to confirm it is a certified scheme Details of ADR officials, how they are appointed and length of appointment
<b>Costs</b>	Whether there are costs to either party and the rules regarding any costs awarded at the end of the ADR procedure
<b>Language</b>	Language in which the scheme is prepared to receive an initial complaint submission  Language in which the scheme can conduct its ADR procedure
<b>EU ADR links</b>	Name of any network of bodies which facilitate cross-border ADR of which it is a member e.g. FIN-NET, ECC-NET
<b>Terms of reference</b>	Types of domestic and cross-border disputes it is able to deal with, including any financial thresholds that apply  Preliminary requirements, if any, that a party to a dispute needs to have met before the ADR procedure can begin  Procedural rules for the scheme and any grounds on which it can refuse to deal with a dispute
<b>Other scheme information</b>	Stating whether or not a party to a dispute can withdraw from the ADR procedure once it has started  Principles the body applies and main considerations taken into account when seeking to resolve a dispute  Legal effect of the outcome of the ADR procedure; whether the outcome is enforceable and any penalties for non-compliance  Stating whether the ADR procedure can be conducted by oral or written means, or both
<b>Activity report</b>	An annual report for publication on the website

### **H3.6.2 Means of submission**

Certified scheme providers must provide a function on their website to enable C to submit their complaint and any supporting documents online. C must also be able to submit complaints by post if they wish, and both parties must be able to exchange documents by email or post.

### **H3.6.3 Timescales**

Once C has submitted a complete complaint file, the ADR provider has **90 days** in which to complete their ADR procedure. If they choose not to deal with a case, they must inform both parties involved within **three weeks** of receiving the complete complaint file.

### **H3.6.4 Refusal reasons**

ADR providers are able to refuse to deal with domestic or cross-border disputes for the reasons listed below, also referred to as issues that are outside the terms of reference (TOR) of the scheme:

- C has not yet contacted T to discuss the problem
- the dispute is frivolous or vexatious
- the dispute is being, or has previously been, considered by another ADR scheme or court
- the value of the claim is below the monetary threshold set by the ADR provider
- C has not submitted the dispute to the ADR provider within the time period specified (no less than **12 months** from the date on which T informs C they are unable to resolve the problem)

**Table H9: Customer journey mapped to ADR Regs**

Customer journey	ADR Regs
<b>Pre-shop</b>	<p>Trader information requirements re ADR on website (if has one) or in T&amp;C</p> <p>If online T must provide link to ODR platform</p>
<b>Contract formed</b>	N/A
<b>Performance of contract</b>	N/A
<b>Issue</b>	N/A
<b>Attempt to resolve</b>	<p>C to follow T complaints procedure</p> <p>T required to provide function for C to submit complaint and supporting documents online and offline</p> <p>If paid via credit, follow credit provider's complaints procedure too</p>
<b>Resolve/Deadlock</b>	<p>T to confirm unable to resolve on durable medium</p> <p>T to provide name and website address of suitable ADR scheme and say if T is obliged or prepared to use that ADR scheme</p> <p>Proceed to ADR if available</p> <p>Consider court if ADR not available</p>
<b>ADR</b>	<p>Consider ADR scheme TOR</p> <p>ADR scheme required to provide website with details of ADR procedure and means of submitting complaint and information online and offline</p> <p>3 weeks from date of receiving complete complaint file for ADR scheme to confirm to C and T if refusing to deal with a case</p> <p>90 days from date received complete complaint file for ADR scheme to resolve</p> <p>Scheme decision - may be binding</p>
<b>Court</b>	<p>ADR will be available for all contractual disputes between Cs and Ts</p> <p>Court action open for issues OTOR of ADR scheme or where C wishes to pursue via court</p>
<b>Enforcement of court judgment</b>	Enforcement options available at cost



## Figure H3: Typical process when ADR is used to resolve a problem

ADR procedures may involve all, some or more of the stages below:

- Stage 1**      **Checks made to confirm dispute meets ADR scheme terms of reference**
- T is a scheme member
  - T's complaints process followed
  - dispute reached timescale for ADR or deadlock
  - dispute within scope of ADR scheme
- Stage 2**      **C submits details of dispute to ADR scheme member, typically:**
- personal information
  - date first contacted T about the problem
  - what both C and T have done to try to sort the problem out
  - what remedy C would like
  - C provides detail and supporting evidence e.g. documents, photographs and inspection reports, to explain the problem
- T will be asked to provide the same information**
- Both parties informed of right to withdraw from ADR procedure at any stage**
- Stage 3**      **ADR initiated – 90 day time period for resolution begins**
- ADR member confirms receipt to both parties of all relevant documents – the complete complaint file
  - ADR member informs both parties within 3 weeks if dispute OTOR and why
- Stage 4**      **Informal attempts to resolve the problem**
- may also be referred to as conciliation or mediation
  - ADR member works with both parties to agree a mutually agreeable solution to the problem; further evidence may be requested and points clarified through questioning
  - if both parties agree, then the case can be closed
  - this stage may be time bound
- Stage 5**      **Formal problem resolution**
- adjudication or similar formal determination based on evidence available to the ADR scheme member
  - confirmation of outcome provided on a durable medium, giving reasons for decision and informing C of their option whether or not to agree to the proposed solution: T's choice is determined by scheme membership rules
  - decision may be binding on T but not on C
  - usually no right of appeal for C
  - C able to reject ADR scheme decision and pursue via court, but should take into consideration that proposed ADR solution may differ from a court applying legal rules and court likely to take into account the decision made by ADR scheme

## Summary

- Before commencing court proceedings, **C should always try to resolve their dispute with T using some form of ADR**, as required by the Civil Procedure Rules, and this may well be more speedy, informal and flexible and also less costly and stressful.
- **ADR consists of various methods of resolving disputes without going to court, using a neutral party**, often a subject specialist, to help bring the parties together to find a solution or suggest or impose one.
- Such schemes are **often free for consumers, binding for Ts and allow C to still pursue the matter through the courts** if they so wish.
- When the parties try to sort matters out themselves without any outside influences, this is known as **negotiation**; **mediation** involves a third party who facilitates the T and C to sort matters out between them; the third parties will offer solutions if the parties agree to use **conciliation**; as a last resort an **ombudsman** scheme can be used if one is available; **arbitration** is more formal and the third party actually imposes a decision that is binding on both parties and enforceable in court.
- The **ADR Directive** ensures that there is equal access to redress for consumer disputes and a raised awareness for Cs and Ts of the role ADR plays in the consumer journey; **ODR legislation** facilitates access, via an EU hosted online platform, to the relevant ADR schemes for issues involving cross-border disputes.
- The **ADR Regulations**, which implement the ADR Directive, provide for a **certification scheme of ADR providers** to ensure that ADR is available for any dispute concerning contractual obligations between a C and a T.
- Ts who are part of an ADR scheme have to provide the **name and address of that scheme on any website they have, and in their contracts with Cs**, and in addition if T sells goods or services online or provides a platform for this, they will have to provide a **link to the ODR platform** on the website too.
- A **competent authority**, which sets the membership rules for its market sector, has to carry out a **certification process to approve ADR schemes and provide BIS with a list** of all the certified schemes for transferral to the EU for the creation of an online EU wide list; **CTSI is the competent authority for general consumer issues that do not fall within the regulated sectors** of: aviation; energy; estate agency; finance; gambling, post, telecommunications and legal services.
- Certain **information must be provided about ADR schemes** and the details required, are: **how the scheme works**, including for e.g. any costs, preliminary requirements, resolution principles employed and legal effect of the outcome ; **how C can submit a complaint**; the **timescales** within which this has to be done and **any refusal grounds**.
- A **typical process for an ADR scheme** would include: C checks the dispute meets the scheme's TOR; C submits details to the ADR member; the 90 day ADR process commences; the ADR member informs both parties within 3 weeks if the dispute is OTOR and why; mediation and or conciliation are used to try and resolve the matter; failing this the issue is decided by adjudication or a similar formal determination based on evidence provided and finally, the decision with reasons is provided on a durable medium

## H4 Going to court

Taking T to court to settle a dispute should be a last resort for C, following negotiation and appropriate ADR procedures (CivPRs, Rule 1.4). A comparison of the main features of taking court action and using ADR is provided in table H10. Any court action which is taken will be subject to the Civ PRs, which cover both the process involved and also the conduct of the parties, known as a claimant and a defendant (pursuer and defender). Even if a judgment is obtained, T may not comply with it and C will be faced with the decision as to whether it is worth spending more time and money pursuing one of the enforcement methods available.

**Table H10: Comparison of court action with ADR**

	ADR	Court
<b>How to submit claim</b>	Online or offline	Online or offline
<b>Effort involved</b>	Once claim submitted, ADR scheme does the work C only required to supply or discuss information	C involved after submission in various form filling and communication with court and defendant is dependent on defendant's response
<b>Fees</b>	Often free, although some schemes may charge	Key fees are for starting a claim, the hearing and enforcing a judgment
<b>Resolution timescale</b>	90 days from deadlock / start of ADR scheme procedure	Dependent on court rules and direction, probably around 6 months for a small claim
<b>Binding decision</b>	Depends on the scheme's rules	Yes
<b>Enforcement</b>	Depends on the scheme's rules	Available
<b>Evidence</b>	As required by ADR scheme	As permitted by Judge
<b>Ability to withdraw</b>	Depends on the scheme's rules	If defendant pays or C agrees to their offer of payment in response to the claim
<b>Appeal</b>	Unable to appeal decision	Yes, but can be expensive If C wins, defendant might appeal

### H4.1 Which court to use

There are three routes referred to in the civil court system and which one is appropriate depends to some extent on the nature of the claim and or the amount being claimed, although sometimes if there is a personal injury claims this can affect where it is heard and some legislation specifies that certain cases must be heard in the High Court. The process for a small claim is considered in more detail.

- **Small claims track** (County Court) – for claims of less than £10,000, which are less complicated (takes about 6 months)
- **Fast-track** (County Court) – for claims between £10,000 and £25,000 or more complex claims (takes over 6 months)
- **Multi-track** (High Court) – for very complicated claims over £25,000

## H4.2 Who to take action against

Traders exist in a variety of formats and it is important to take action against the correct legal person. Table H11 indicates the different trading entities, the extent of their liabilities and who should be sued (pursued).

**Table H11: Types of Trading entities and their liabilities**

Type of trader	Description of operation	Extent of Liability	Who to sue
Sole trader	An individual who carries on a business personally without any partners	Personally liable and will continue to be so even if they cease trading, e.g. if they retire	T him or herself using their full name A business name can be added using the phrase "trading as" or t/a
Partnership	Persons who carry on a business or profession in common and with a view to profit without being incorporated	Partners are personally liable and this liability is joint and several, unless one of the partners is a limited partner	The "firm" or individual partners by name
Limited Liability Partnership (LLP)	A hybrid between incorporated companies and partnerships where 2 or more individuals or companies join together in accordance with the relevant legal requirements, with a view to profit	Members of the LLP are only liable for debts up to their financial interest in the LLP unless a member has assumed personal responsibility to a particular client for carrying out certain work in which case they will be personally liable for the full amount	The Limited Liability Partnership
Limited company	Incorporated bodies registered under the Companies Act 2006, e.g. ltd (private limited companies) plc (public limited companies)	A limited company has a separate legal identity from its members (people who buy its shares) and the members (shareholders) are not generally personally liable when the company ceases to exist	The company name, followed by ltd or plc

However, regardless of which court would be appropriate, before starting the claim process C should consider whether the potential defendant is likely to be able to satisfy any judgment made against them, i.e. can they afford to pay? Relevant factors to consider may be whether T:

is unemployed

is bankrupt

has any money of their own

has any personal property or anything of value (such as a car) belonging to them

has stopped trading; or

has other debts to pay.

## H4.3 Small claims process

The process for starting a small claim and the fees and forms required are explained using a series of tables with references to various documents that can be accessed online:

- |  |   |             |
|--|---|-------------|
| ✓ typical process (E&W)                    | - | table H12   |
| ✓ timescales, forms and letters (E&W)      | - | table H13   |
| ✓ list of forms and leaflets (E&W)         | - | Appendix H1 |
| ✓ typical process (Scotland)               | - | table H14   |
| ✓ timescales, forms and letters (Scotland) | - | table H15   |

### H4.3.1 Relevant procedural issues (E&W)

There are a number of issues that may affect C's claim through the small claims process:

- **Pre-action protocols** – these exist for certain types of claim, e.g. personal injury or professional negligence
- **Expert evidence** – the court's permission is required and is more likely to be given if the parties agreed to jointly instruct an independent expert (CivPR rule 35)
- **Court's powers re remedies** - a different remedy from that being sought may be awarded in relation to certain breaches of the CRA [s58]
- **Unfairness** – the court has the power to consider whether terms in a contract are fair even if neither party raises this issue [s72 CRA]
- **BOP** - usually the person who alleges something has the BOP, but sometimes it is reversed, e.g. use of 1<sup>st</sup> and 2<sup>nd</sup> stage remedies for goods and DigC (6 months), Misrepresentation Act, PTRs once C has raised improper performance under the contract, if T wants to argue one of the reasons in r15, UTs??
- **Interest** – C can usually add interest to their claim at the rate of 8% but this may depend on the type of claim [s69 County Courts Act 1984]
- **Practice Directions (PDs)** – in addition to the CivPRs, there are also numerous PDs that assist the court with its duty to actively manage a case, which involves encouraging cooperation, controlling progress and providing directions to ensure speed and efficiency; some of the PDs are standard, e.g. PD 2c – Starting proceedings in the County Court, whereas, others are specific, e.g. PD 7b – Consumer Credit Act 2006 – Unfair Relationships

**Table H12: Typical process small claims process (E&W)**

Fees	Stage	Brief details
<b>Stage 1</b>	Letter before action	<ul style="list-style-type: none"> <li>• a final chance for T to resolve the problem</li> <li>• should set out the detail of the problem, evidence available, remedy being requested and invitation to use an ADR scheme if not already tried</li> <li>• should give a timescale for T to respond (14 - 30 days, depending on complexity or if third party involved)</li> </ul>
<b>Stage 2</b> <b>FEES</b>	Starting a court claim	<ul style="list-style-type: none"> <li>• lowest fee £25 for claims of up to £300 issued online</li> <li>• highest fee £455 for claims of up to £10,000 issued at court</li> <li>• a claim for money must be issued via Money Claim Online</li> <li>• other claims must be made at a local county court</li> <li>• claimants are provided with a Notice of Issue (reference number)</li> <li>• claim is served when court posts the form to the defendant</li> </ul>
<b>Stage 3</b>	The defendant's response	<ul style="list-style-type: none"> <li>• defendant may admit all or part of the claim, deny it, make a counterclaim, negotiate with the claimant or ignore the claim</li> <li>• defendant has 14 days to respond, or if they deny the claim, acknowledge within 14 days and respond fully in 30 days</li> <li>• directions questionnaire sent to both parties if the claim is defended – this asks about using ADR to resolve the problem</li> <li>• claimant can apply for judgment in default if defendant doesn't reply within 14 days</li> </ul>
<b>Stage 4</b> <b>FEES</b>	How the court decides what to do with the case	<ul style="list-style-type: none"> <li>• judge reviews the paperwork and can: throw the case out; award judgment on information provided; arrange a hearing date or calling a preliminary hearing to establish facts before deciding the next step</li> <li>• a preliminary hearing may consider whether ADR could settle the dispute out of court</li> <li>• free telephone-based mediation is also offered through the Small Claims Mediation Service, available to all small claims which are defended, and if both parties agree to it</li> <li>• cases that proceed to hearing dates will be allocated to one of the three court tracks</li> <li>• date of hearing confirmed at least 21 days beforehand and Notice of Allocation issued 14 days beforehand providing instructions for hearing</li> <li>• hearing date can be changed for a fee</li> <li>• court issues instructions called 'directions' that must be followed e.g. witnesses and paperwork that will be required</li> </ul>
<b>Stage 5</b>	The court hearing	<ul style="list-style-type: none"> <li>• informal and usually held in public</li> <li>• judge controls timings, allowing only equal time to both parties, who are also responsible for ensuring their witnesses attend on time</li> <li>• claimants who do not attend may have their claim struck out</li> <li>• lay representative may speak on the claimant's behalf</li> <li>• judge's decision decides the outcome of the case and explains reasons although this may be brief</li> <li>• judge may award an order to make someone pay money they owe</li> </ul>
<b>Stage 6</b> <b>FEES</b>	Appealing the judgment	<ul style="list-style-type: none"> <li>• appeals must be submitted within 21 days of the hearing</li> <li>• a fee will be payable</li> </ul>
<b>Stage 7</b> <b>FEES</b>	Enforcing the judgment	<ul style="list-style-type: none"> <li>• claimant should consider if defendant has the means to pay</li> <li>• fees payable for determining defendant's means and instigating enforcement options</li> </ul>

**Table H13: Court stages with timescales, forms and letters involved (E&W)**

Stage	Action	Timescale	Form	Leaflet
1	Letter before action	Usually 14 days Reasonably 30 days Unreasonable to exceed 90 days		EX301
2	Starting a court claim	Dependent on court	N1,1A	EX302 EX304 EX306
3	The defendant's response	14 – 30 days	N9,9A,9B,9C,9D N1C,1FD	EX303 EX304
4	How the court deals with the case	Dependent on court	N149A,149B,149C N180, N181	EX730
5	The court hearing	< 1 day – small claims > 1 day – fast or multi track		EX341 EX342
6	Appealing the judgment	21 days from date hearing ends	N164, N161	EX340
7	Enforcing the judgment	Dependent on court, defendant and enforcement option selected	N316, N323, N342, N344, N337, N349, N379	EX320 EX321 EX322 EX323 EX324 EX325 EX345

**Table H14: Typical process small claims process (Scotland)**

Fees	Stage	Brief details
<b>Stage 1</b>	Letter before action	<ul style="list-style-type: none"> <li>• a final chance for T to resolve the problem</li> <li>• should set out the detail of the problem, evidence available, remedy being requested and invitation to use an ADR scheme if not already tried</li> <li>• should give a timescale for T to respond (14 days minimum)</li> </ul>
<b>Stage 2</b> <b>FEES</b>	Lodging a court claim	<ul style="list-style-type: none"> <li>• lowest fee £17 for claims of less than £200</li> <li>• £73 for other claims up to limit of £3,000</li> <li>• claims can be made at a local sheriff court by completing forms 1 and 1a (against a sole T) or forms 1 and 1b (against a company or organisation)</li> <li>• Form 1 is the Principal Summons and 1a and 1b copies</li> <li>• Small claim form can be filled in online but has to be submitted at sheriff court in order to pay the fee</li> <li>• Sheriff clerk can advise about serving claims in a newspaper or public notice at court if C does not have an address for T</li> <li>• the party raising an action is called the 'pursuer' and the party responding is referred to as the 'defender'</li> </ul>
<b>Stage 3</b>	The defender's response	<ul style="list-style-type: none"> <li>• defender may do nothing, admit the claim and pay in full, admit the claim but ask for time to pay or deny the claim or challenge the court's right to deal with the case</li> <li>• a defender company can either: do nothing, admit the claim and settle the case or dispute the claim and attend court</li> </ul>
<b>Stage 4</b>	The first hearing	<ul style="list-style-type: none"> <li>• hearing held if defender denies the claim or challenges court's right to deal with the case, wants to go to court to make an offer to pay or pursuer objects to application for time to pay</li> <li>• both pursuer and defender (or their representatives) must attend and discuss the case with the Sheriff to ensure the case has legal merit</li> <li>• the Pursuer must take along the Principal Summons and any other information necessary to prove their case</li> <li>• parties will be encouraged to settle the issue at this stage</li> <li>• the Sheriff may:               <ul style="list-style-type: none"> <li>○ close the case if the parties reach agreement</li> <li>○ make a decree – the final judgment – which defender should then settle</li> <li>○ if there is any dispute, set a proof hearing</li> <li>○ continue the first hearing to a date in the future, if either party is not present, or if some facts are missing</li> </ul> </li> </ul>
<b>Stage 5</b>	The proof hearing	<ul style="list-style-type: none"> <li>• court will usually hear evidence from witnesses</li> <li>• all documents have to be lodged in court 14 days beforehand and pursuer must send a list of lodged documents to defender</li> <li>• damaged or faulty goods should be lodged as evidence, along with evidence of expenses</li> </ul>
<b>Stage 6</b> <b>FEES</b>	Appealing the judgment	<ul style="list-style-type: none"> <li>• appeals must be submitted within 14 days of the decree a fee will be payable</li> </ul>
<b>Stage 7</b> <b>FEES</b>	Enforcing the judgment	<ul style="list-style-type: none"> <li>• pursuer should consider if defender has the means to pay</li> <li>• decree can only be enforced by a sheriff officer</li> <li>• if decree was for the defender to do something, e.g. put work right and they don't do it, pursuer must go back to court to ask for decree to be transferred (by incidental application) from a specific action to a sum of money</li> </ul>



**Table H15: Court stages with timescales, forms and letters involved (Scotland)**

Stage	Action	Timescale	Form	Guidance
1	Letter before action	Usually 14 days		
2	Starting a court claim	Dependent on court	1a or 1b plus 2, 3, 4, or 5 as required	01 – What is a small claim? 02 – Taking a claim to court
3	The defendant's response	14 – 30 days	11, 12, 13	03 – Responding to a claim
4	How the court deals with the case	Dependent on court		
5	The court hearing	Dependent on case		04 – Going to court
6	Appealing the judgment	14 days from date of sheriff's decision	21, 22, 23	04 – Going to court
7	Enforcing the judgment	Dependent on court, defendant and enforcement option selected	Incidental Application	04 – Going to court

A table listing forms for Scottish small claims and a brief explanation is available on the Scottish Courts and Tribunals website:

<https://www.scotcourts.gov.uk/rules-and-practice/forms/sheriff-court-forms/small-claim-forms>

The 4 part Guidance, for completing the forms, is available at:

<https://www.scotcourts.gov.uk/rules-and-practice/guidance-notes/small-claim-guidance-notes>

Part 1: What is a small claim

Part 2: Taking a claim to court

Part 3: Responding to a claim

Part 4: Going to court

In Scotland there are means to serve court summons on traders without an address by using a newspaper or a public notice in the court building to formally 'serve' the information. The sheriff clerk can advise clients about these procedures

Debt Arrangement Scheme Register at [www.dasscotland.gov.uk/about/das-register](http://www.dasscotland.gov.uk/about/das-register)

## H4.4 Enforcement methods

If judgment is obtained but the money not paid then C may wish to consider whether to use one of the enforcement procedures available, however, they will all incur further fees. All the relevant forms and leaflets are listed in tables H12 and Appendix H1. There are four main options and they are aimed at different aspects of the defendant's assets and have various advantages and disadvantages:

- |                                |   |                       |
|--------------------------------|---|-----------------------|
| ✓ warrant of control           | - | goods                 |
| ✓ attachment of earnings order | - | wages or salary       |
| ✓ third-party debt order       | - | savings               |
| ✓ charging order               | - | assets, e.g. property |

If the claimant is unsure about the defendant's financial situation, it might be worth them considering applying for an "Order to obtain information from a person who owes you money" (Appendix H1), which will reveal details about the defendant's employment status, dependants, income, outgoings, any additional income, property owned and bank or building society accounts. The court has a set list of questions that they ask in these circumstances.

### H4.4.1 Warrant of control

This allows bailiffs to take goods from a defendant's home or business, which they can then sell at auction to recover money to satisfy the judgment and their costs. The County Court issues these warrants, but only for debts of between £50 and £5000 or less (can be more if a regulated credit agreement is being enforced under the CCA).

For debts above £5000 the procedure is started in the High Court and can be more complicated and more expensive and legal advice is recommended before proceeding further. A warrant of control can be issued if a claim was made using Money Claim Online.

Bailiffs cannot remove goods which are:

- essential household items, e.g. clothes, cooker or fridge
- work tools and equipment together worth less than £1350
- subject to a HP or CS agreement
- hired, leased or rented
- someone else's property, e.g. a partner's car or computer
- subject to another warrant

Goods usually sell at auction for only a fraction of their costs and so an enforcement agent is unlikely to take anything that may not sell or raise enough money to satisfy the debt and the costs of taking and selling them. The usual procedure is to identify suitable goods on a first visit and issue a "controlled goods agreement", which means that they cannot be sold and unless the debt is paid at an agreed time, they will then be sold.

### H4.4.2 Attachment of earnings order

If the defendant is employed, this is a possible option as an order is sent to the employer, instructing them to deduct a certain amount from the earnings and forward it to a collection office to be sent on to the claimant. Living expenses have to be taken into account so the court will not make an order if earnings are low or it may order only small instalments.

### H4.4.3 Third-party debt order

Where the defendant has money in a bank or building society account, this order can be made to prevent them from taking that money out before the claimant is paid. The order has the effect of freezing the account when it is received so the timing is crucial because if it is made when the account has insufficient funds, the claimant will not be paid, the defendant will be alerted to the procedure and is likely to stop paying money into that account. A third-party debt order is not restricted to financial institutions, but can be sent to anyone who owes money to the defendant.

### H4.4.4 Charging order

If there are substantial assets belonging to the defendant, e.g. a house, land or investments, the court can issue a charging order against them, which means they cannot be sold without money owed being paid over to the claimant. However, the money will only be forthcoming if a sale takes place and in some circumstances the court may, on application, make a separate order to force a sale, but this may be unlikely if its effect would be to deprive people of somewhere to live.

### H4.4.5 Bankruptcy order

It may also be possible to apply for someone to be declared bankrupt if they owe £750 or more, but this is quite a complicated and potentially costly procedure and further legal advice should be sought in respect of it.

The Scottish courts cannot help with enforcement procedures and their guidance suggests writing to the other party and allowing them whatever is considered to be a suitable final period to comply with the court's order before using them.

Part 4 of the small claims guide at: <https://www.scotcourts.gov.uk/rules-and-practice/guidance-notes/small-claim-guidance-notes> contains some brief details and an example letter.

Further information on enforcement procedures is contained in a leaflet called "How to enforce your small claim decree" and a copy can be obtained from The Society of Messengers-at-Arms and Sheriff Officers. It can be downloaded at: <http://www.smaso.org/images/SocietyLeaflet2015final.pdf>. Similar procedures to those in E&W are available and are referred to, and relate to, as detailed below:

Charge	-	formal demand to pay an outstanding balance
Arrestment	-	savings
Inhibition	-	property
Earnings arrestment	-	wages/salary (charge required first)
Attachment and auction	-	goods (charge required first)

## H4.5 Bailiffs, enforcement officers and enforcement agents

A bailiff, also known as an enforcement agent or officer, may visit someone in their home to:

- ✓ enforce a variety of court orders associated with not paying debts, e.g. non-payment of a penalty notice, parking fine, Council Tax bill, court fine or county court judgment, or
- ✓ serve documents, e.g. a court summons or other official notice or court document

There are different kinds of bailiff and they must all have a certificate to act as one so that people can ask for proof of identity and authorisation. The word bailiff is traditionally used to refer to them collectively. They have powers to enter premises and seize goods to sell to settle debts in certain circumstances and can charge fees in accordance with legal rules. Police, court, tax or government officers are exempt from authorisation, as are people accompanying them when performing similar roles.

#### **H4.5.1 Categories of bailiff**

The majority of bailiffs are employed by private companies, even if they are collecting money for the council or the government, and they are known as:

- Certificated enforcement agents (certificate granted by the County Court)
- High Court Enforcement Officers (appointed on behalf of the Lord Chancellor)

They may belong to either the Civil Enforcement Association or the High Court Enforcement Officers Association respectively. Membership is not compulsory but can be checked on their respective websites at [www.civea.co.uk](http://www.civea.co.uk) and [www.hceoa.org](http://www.hceoa.org). Certificated enforcement agents can enforce any debt other than a County Court or Family Court order, so this is likely to cover debts from criminal fines, council tax rates, road traffic penalties, child support payments and tax arrears, for example.

Some bailiffs are employed by Her Majesty's Courts and Tribunals Service and so the court that has sent them should be able to validate authorisation or deal with any complaints. They are known as:

- County Court and Family Court bailiffs
- Civilian Enforcement Officers (deal with Magistrates Court orders)

#### **H4.5.2 Bailiff's powers of entry**

Bailiff's are not permitted to enter private property:

- unless they have given 7 days notice of their first visit
- using force
- if those present are all under 16 or vulnerable, e.g. through disability
- before 6am and after 9pm
- except through the door

However, force can be used to enter someone's home as a last resort, if the bailiff is collecting unpaid criminal fines, Income Tax or Stamp Duty.

Payments can be made to bailiffs, even at this late stage and this can be done on the doorstep if someone does not wish to let them into their property. It may also be possible to negotiate payment by instalments or agree a date when payment will be made. The bailiff does not have to accept what is offered and should be asked for a receipt if one is not offered.

#### **H4.5.3 Bailiff's powers of seizure**

Even if a bailiff is denied entry they could take property from outside the home to settle a debt, e.g. a car parked on the road. They would need to be sure that it didn't fall within the list in H4.4.1.

Once the bailiff has been allowed in, they may make an inventory of goods that could be sold to pay debts and cover their fees. Bearing in mind the list of items that can't be taken, these will inevitably be luxury items, such as a TV or games console. The onus will be on the person who is arguing such, that the goods belong to someone else.

#### H4.5.4 Bailiff's fees

Two different fees can be charged for each of three stages of action: compliance, enforcement and sale, associated with the bailiff's work (not Civilian Enforcement Officers), however, they can only be charged once for each stage, e.g. even if a bailiff had to visit a home three times during the enforcement stage, they can only charge the enforcement fee once. The fees are:

- a fixed fee (set by law)
- a percentage fee (if money being recovered is over £1500 or £1000 if there is a writ from the High Court)

Bailiffs should give vulnerable people the chance to get advice and assistance before they charge enforcement fees or any other costs.

In Scotland, bailiffs are referred to as Messengers-at-Arms and Sheriff Officers.

More details about them can be found on the website at: [www.smaso.org](http://www.smaso.org)

## Summary

- Taking T to **court to settle a dispute should be a last resort** for C, following negotiation and appropriate ADR procedures and any court action which is taken will be subject to the **Civil Procedure Rules**, which cover both the process involved and also the conduct of the parties, known as a claimant and a defendant.
- The **differences between ADR and court** should be considered including: fees, timescales, enforceability, status of the decision, admissibility of evidence, ability to appeal and the effort involved.
- There are **three routes for civil claims**, dependent to some extent on the nature and amount of the claim: the **small claims track** in the County Court is generally for less complicated claims of less than £10,000; the **fast track** is also in the County Court for more complex claims of between £10,000 and £25,000 and the **multi-track** is for very complicated cases and claims over £25,000 and cases that must be heard in the High Court.
- Traders exist in a variety of formats, namely, sole traders, partnerships, limited liability partnerships and public and private limited companies and it is important to take action against the correct legal entity; the extent of their liability differs.
- Regardless of which court would be appropriate, before starting the claim process **C should consider whether the potential defendant is likely to be able to satisfy any judgment made** against them and relevant factors to consider, may be whether T: is unemployed, is bankrupt, has any money of their own, has any personal property or anything of value belonging to them, has stopped trading or has other debts to pay.
- There are various forms and leaflets available to guide a potential claimant through the small claims process and there are numerous **fees and timescales** to consider at some of the stages and also **pre-action protocols and practice directions**.

- The **burden of proof** will usually be on the person who is alleging something but sometimes it is reversed and the **court has powers** to: require a jointly agreed expert to give evidence; sometimes award a different remedy from that requested; consider whether the terms in a contract are fair and add interest at a usual rate of 8% to any monetary award.
- A **typical process for a small claim** will be as follows: sending a letter before action; issuing a claim at the local County Court or via Money Claims Online; serving the claim form on the defendant; issuing directions if the claim is defended; applying for judgment in default if the defendant does not respond; conducting a preliminary hearing; partaking in Small Claims Mediation where appropriate; allocating the case to one of the three tracks; holding an informal hearing controlled by a judge; receiving the judge's decision, reasons and any orders and finally, waiting for a 21 day period for a potential appeal.
- If judgment is obtained but the money not paid then there are **four main enforcement procedures** available, all of which incur further fees, and they are aimed at different aspects of the defendant's assets, with various advantages and disadvantages for each: **warrant of control** (goods); **attachment of earnings order** (wages or salary); **third-party debt order** (savings) and **charging order** (assets, e.g. property).
- An "**Order to obtain information from a person who owes you money**", which will reveal details about the defendant's employment status, dependants, income, outgoings, any additional income, property owned and bank or building society accounts can be applied for before pursuing any of the enforcement procedures and the court has a set list of questions to they ask in these circumstances.
- It may also be **possible to apply to have someone declared bankrupt if they owe £750 or more**, however, this is quite a complicated procedure and potentially costly and further legal advice should be sought before an application is made.
- **Bailiffs** may visit people at home to **enforce** a variety of **court orders** associated with not paying debts, e.g. court fine or fixed penalty notice, or to **serve official documents**, e.g. a court summons.
- There are different kinds of bailiff and they must all have a **certificate to act** as one so that people can ask for proof of identity and authorisation; they have **powers to enter premises and seize goods to sell** to settle debts in certain circumstances and can **charge fees** in accordance with legal rules; police, court, tax or government officers are exempt from authorisation, as are people accompanying them when performing similar roles.
- The **majority** of bailiffs are employed by private companies, even if they are collecting money for the council or the government, and they are known as **Certificated enforcement agents** and **High Court Enforcement Officers**; those employed by Her Majesty's Courts and Tribunals Service are called **County Court and Family Court bailiffs** and also Civilian enforcement officers.
- Most bailiffs can charge **fees** and their **powers of entry** are usually limited to 6am – 9pm, giving 7 days notice, not using force, requiring an adult to be present and only using the door as a point of entry and then to being able to **seize goods to sell** unless they are: someone else's; essential household items; low cost work tools and equipment; subject to HP/CS agreements or another warrant.

The parties in a Scottish court case are called the pursuer and the defender

The maximum limit for a small claim is £3,000

A typical process for a Scottish small claim is: a letter before action; lodging a court claim at the local sheriff court; serving the claim; holding a first hearing if the claim is defended with the parties present; encouraging settlement beforehand; lodging documents and other evidence with the court; hearing witness evidence at the proof hearing and appealing the judgment within 14 days

A table listing forms for Scottish small claims and a brief explanation is available on the Scottish Courts and Tribunals website:

<https://www.scotcourts.gov.uk/rules-and-practice/forms/sheriff-court-forms/small-claim-forms>

Guidance for completing the forms is also available in a 4 part guide at:

<https://www.scotcourts.gov.uk/rules-and-practice/guidance-notes/small-claim-guidance-notes>

Part 1: What is a small claim

Part 2: Taking a claim to court

Part 3: Responding to a claim

Part 4: Going to court

Enforcement procedures available include: charge, arrestment, inhibition, earnings arrestment, and attachment and auction and guidance about them is available at

<http://www.smaso.org/images/SocietyLeaflet2015final.pdf>.

Enforcement officers in Scotland are referred to as Messengers-at-Arms and Sheriff Officers

## APPENDIX H1: Court forms and leaflets (E&W) mapped to stages of process

Form Ref	Court forms	Leaflet Ref	Explanatory Leaflet
N1	Claim form	EX50 EX160A EX301 EX302 EX303 EX304 EX306 EX350 EX503 N1A N1FD	Civil and Family Court Fees Fees: Do I have to pay them I'm in a dispute what can I do? How do I make a court claim? A court claim has been made against me – what should I do? I've started a claim in court – what happens next? The small claims track in civil courts A guide to debt recovery through the county courts for small businesses Human Rights Act Notes for claimants Notes for claimants (CCA claim)
N9	Response pack / Acknowledgement of service	EX303	A court claim has been made against me – what should I do?
N9A	Form of admission – specific amount	EX306	The small claims track in civil courts
N9B	Defence and counterclaim – specific amount		
N9C	Admission (unspecified amount and money claim)	EX303	A court claim has been made against me – what should I do?
N9D	Defence and counterclaim (unspecified amount and non-money claim)		
N20	Witness summons	EX342	Coming to a court hearing - some things you should know
N149A	Notice of proposed allocation to the Small Claims Track	EX730 EX306	Would you like to settle without going to a court hearing? The small claims track in the civil courts
N149B	Notice of proposed allocation to the Fast Track	EX730 EX305	Would you like to settle without going to a court hearing? The fast track and multi-track in the civil courts
N149C	Notice of proposed allocation to the Multi Track	EX730 EX305	Would you like to settle without going to a court hearing? The fast track and multi-track in the civil courts



Form Ref	Court forms	Leaflet Ref	Explanatory Leaflet
N180	Direction Questionnaire (Small Claims)	EX305	The fast track and multi-track in the civil courts
N181	Directions Questionnaire (Fast Track and Multi Track)		
N265	List of Documents: Standard Disclosure		
N316	Application for order that debtor attend court for questioning	EX321 EX324	I have a judgment but the debtor hasn't paid – what do I do? Order to obtain information from a person who owes you money
N323	Request for warrant of control	EX322	How do I ask for a warrant of control?
N342	Request for judgment summons		
N344	Warrant of committal		
N337	Request for an attachment of earnings	EX321 EX322 EX323 EX324	I have a judgment but the debtor hasn't paid – what do I do? How do I ask for a warrant of control? How do I ask for an attachment of earnings order? Order to obtain information from a person who owes you money
N349	Application for third party debt order	EX325	Third Party Debt Orders and Charging Orders - How Do I Apply for an Order? - How Do I Respond to an Order?
N379	Application for a charging order on land or property		
		EX326	I cannot pay my judgment. What do I do?
		EX341	I have been asked to be a witness – what do I do?
		LOC006	Bankruptcy Court Guide