



## Alternative Dispute Resolution for Consumers

## Response to the Department for Business, Innovation and Skills Consultation

June 2014

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## About Citizens Advice

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The Citizens Advice service provides free, independent, confidential and impartial advice to everyone on their rights and responsibilities. It values diversity, promotes equality and challenges discrimination.

The service aims:

- to provide the advice people need for the problems they face
- to improve the policies and practices that affect people's lives.

The Citizens Advice service is a network of nearly 400 independent advice centres that provide free, impartial advice from more than 3,500 locations in England and Wales, including GPs' surgeries, hospitals, community centres, county courts and magistrates courts, and mobile services both in rural areas and to serve particular dispersed groups. In 2012/13 the Citizens Advice service in England and Wales advised 2.3 million people on 6.6 million problems.

Since April 2012 we have also operated the Citizens Advice Consumer Service, formerly run as Consumer Direct by the OFT. This telephone helpline covers Great Britain and provides free, confidential and impartial advice on all consumer issues.

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## Introduction and Summary

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Citizens Advice welcomes the implementation of this directive, which has the potential to greatly expand the provision and use of Alternative Dispute Resolution in the UK. ADR can be a useful and empowering tool for both consumers and traders which can supply a means of resolving disputes which is far easier and less costly to all parties than going to court. Most importantly ADR helps to redress the imbalance of power between consumers and traders. Consumers are often reluctant to pursue legal action when faced with businesses that have greater resources and expertise than them. Currently there are too many sectors in the UK where a consumer has no alternative, making it difficult to resolve a significant number of consumer problems. We therefore strongly support making ADR available across a wider range of markets. However it is not enough just to increase the provision of ADR on paper. The implementation of these reforms is an opportunity to make sure that ADR is both widely available *and* widely used.

It is crucial that any new ADR entities, including the proposed residual scheme(s), operate in a way which offers consumers clear and identifiable benefits which go beyond traders' standard complaints procedures. In particular they should:

- Be free to the consumer at the point of use
- Be visibly independent of the trader
- Offer adjudication between trader and the consumer
- Be able to compel the trader to supply evidence
- Make decisions which are binding on the trader
- Be able to impose both financial and non-financial forms of redress

The implementation of these reforms should make it as straight forward as possible for consumers to access ADR. Given the large number of, sometimes overlapping, ADR schemes currently operating in the UK effective signposting and consumer education will be vital. We therefore strongly welcome the government's proposal to create a single access point, and the information requirements for traders. We also think there is scope to greatly simplify the provision of ADR not only through

consolidating the number of schemes, but also by addressing the variation between the operating models of existing ADR entities. As far as possible consumers should be able to be confident that they know what ADR can offer them, how they can access it, and what criteria a dispute has to fulfil before being considered, regardless of market.

Any change in the landscape also has to be accompanied by concerted action to encourage as many traders as possible to sign up to ADR schemes and to send cases. Consumers will also need to be made more aware of what ADR can offer them and encouraged to see membership of an ADR scheme as a mark of quality in a trader. It is to be hoped that this voluntary approach will greatly expand the use of ADR in the UK, however if this does not prove to be the case Citizens Advice believes that participation in ADR should be made mandatory for business.

Our views on how to ensure that the current proposals are genuinely accessible and help to empower consumers are explained in the answers below.

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## 1. Responses to specific questions

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**3 Q1: Do you think there are any significant gaps in the provision of ADR in the UK? Please identify any sectors where you think the provision of ADR is insufficient.**

**Q2. Do you agree that the current provision of ADR in the UK is not enough to meet our obligation to have ADR available for all consumer disputes? If you disagree, can you advise which ADR schemes are suitable to handle all disputes, and whether there are limitations to the number of disputes or type of dispute that these schemes could handle? Would these schemes be able to process an increased volume of disputes within the 90 day deadline for concluding disputes set by the Directive?**

The provision of ADR in the UK is extremely piecemeal, and many crucial markets have no provision whatsoever. These include some of the goods and services where Citizens Advice frequently sees high levels of consumer detriment and dissatisfaction. This can be illustrated by looking at the goods and services which consumers contact as about through our consumer service.<sup>1</sup> Not all of these calls represent a complaint against a trader, as they include calls for information, but they do broadly indicate where consumers are experiencing detriment. Cross-referencing each of these categories with the list of ADR providers in the consultation response reveals considerable gaps on ADR provision.

- Some regulated markets have full ADR coverage enforced by their regulators. For instance in the last published quarter (Q4 2013-14) the service received 13,000 contacts about Mobile Service Agreements. Ofcom requires all telecommunications providers to sign up to either Ombudsman Services: Communications or the Communications and Internet Services Adjudication Scheme (CISAS)
- However this requirement only covers the regulated part of the market. There is no scheme for consumers facing problems with their mobile phone hardware, about which we received 14,000 contacts in the previous quarter. This includes where the handset has been purchased as part of a mobile phone service agreements.
- For car repairs and servicing carried out by an independent garage (13,000 contacts) there are multiple schemes including those run by Motor Codes and Retail Motor Industry Federation.

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<sup>1</sup> For the most up to date figures please see Citizens Advice, *Advice Trends:2013/14 Quarter 4* (2014)

However as membership of such schemes is voluntary, many consumers will find themselves without access to ADR.

- In other cases ADR is provided by professional bodies or trade associations, some of which have very small memberships or are restricted to one part of the market. Some cases involving Laptops, Notebooks and Tablets, about which we received 11,000 contacts, are covered by the Domestic Service Appliance Association (DSAA)'s mediation scheme. However the DSAA's membership is made up of independent traders who repair domestic appliances, so there is no ADR available for new computer purchases or repairs made by non-independent traders.
- For second hand cars purchased from an independent dealer there is no ADR provision whatsoever. This sector consistently attracts more calls to our consumer helpline than any other, 57,000 in the last quarter.

Our experience shows that there are significant gaps in ADR provision in the United Kingdom in markets which attract high levels of consumers calling the consumer service for advice. Concerted action is therefore required both to meet the requirements of the Directive and to offer consumers adequate paths for redress.

**Q3. Can we expect businesses not currently obliged to use an ADR scheme to refer complaints to a voluntary residual ADR scheme? What steps could Government and others take to encourage businesses to use a voluntary ADR scheme?**

As the UK has never had a residual ADR scheme before it is difficult to predict precisely how many traders will sign up voluntarily. ADR offers many benefits to business as, if done well, it can prevent lengthy disputes and trips to court, along with all the associated costs. Therefore we hope that a considerable number of businesses will decide to join the new scheme(s). However to ensure that these changes make as much of a difference for consumers as possible it is crucial that the government, consumer groups and business group work together to promote the use of ADR among both consumers and traders.

As part of our mandate to both advocate for and educate consumers the Citizens Advice service will be working to inform people about these new changes in the landscape and ADR more generally. We will work as a service to promote the benefits of ADR to traders and consumers, and to encourage consumers to see membership of an ADR as sign of quality in a trader.

We hope that the government will support us in these efforts and that any proposed changes to ADR provision will be accompanied by consumer education campaigns. The proposed information requirements for businesses' also represent an opportunity to encourage trader's to proudly display their membership of an ADR scheme as a mark of quality. In addition we would like Trade Associations and Professional Bodies will work to encourage traders to see both signing up to an ADR scheme and sending cases to the scheme as best practice.

It is to be hoped that business and consumer education will significantly increase traders' participation. However if businesses do not sign up to ADR schemes in significant numbers we believe this voluntary approach should be reconsidered. We therefore propose that the success of these reforms should automatically be reviewed when the Competent Authority makes its first report to the Commission in 2018 – and if it has not been found to have significantly increase ADR provision for consumers the possibility of obliging traders to take part in ADR should be re-examined.

**Q5. Is there a specific operating model that a residual ADR scheme should adopt (e.g. mirror existing ombudsman models)?**

We support the government's intention to adopt an ombudsmen model similar to the other current statutory ADR providers – it is crucial that the service offered by the scheme goes beyond mediation and that it is able to adjudicate disputes.<sup>2</sup> The operating model of any successful residual scheme will do two things: redress the imbalance of resources and knowledge between consumers and traders, and encourage consumers to send their cases to the scheme in the first place. We therefore think that any scheme should have the following attributes:

- Free to the consumer at the point of use
- Clearly independent of the trader
- Able to compel the trader to supply evidence
- Able to make decisions which are binding on the trader
- Able to impose both financial and non-financial forms of redress
- Open to any trader operating in a market which does not have a statutory ADR provider

**Q6. Can you suggest what an appropriate maximum and minimum settlement value for a residual ADR scheme should be? How have you arrived at these figures?**

Any residual scheme will need to be able to consider a wide range of markets, and the typical value of the products sold will vary greatly between them. This can be seen through our consumer service data, which records the amount of money spent by each caller on the product with which they are having difficulty. In 2013 the median amount spent by a caller enquiring about a second hand car purchased from an independent trader was £3,100, for laptops, notebooks and personal computers it was £259, and for mobile phones (hardware) it was £60. Any limits would have to take in to account this high level of disparity.

We are particularly concerned about the minimum threshold, which, if it was set too high, could effectively exempt some traders from ADR altogether. For example all categories of food and drink apart from alcohol had a median value below £10. Too high a minimum threshold may also exempt some postal services claims from the scope of the scheme where the cost of postage even for higher weight items is likely to be under £10. Consumer Futures' 2012 Consumer Detriment survey found that 65% of all consumers' problems lead to financial detriment of less than £5, including 46% which involve no financial detriment.

Although few consumers would spend a considerable amount of time and effort pursuing such a small sum, consumer detriment is not only financial. A consumer can be harmed by being inconvenienced or offended and a bad experience can cause consumers to lose faith in a whole product or market in the future. Existing ADR schemes recognise this by ordering non-financial remedies such as compulsory apologies or forcing traders to explain their behaviour. We therefore think that there should be no lower limit for the settlement value of the cases.

**Q7. What funding model would be appropriate for a residual ADR scheme? Can an ADR provider operate effectively if it is reliant on case fees rather than annual fees?**

**Q8. Should a standard case fee be adopted? What would be an appropriate level? If not, how should the amount charged for each dispute be determined?**

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<sup>2</sup> Our definition of adjudication is taken from the OFT's 2010 report *Mapping UK Consumer Redress* which says that 'adjudication involves an independent third party considering the claims of both sides and making a decision. This usually produces a decision which is binding on the company but not on the consumer.' [p.10]

We do not endorse any particular funding model for the residual scheme but it is crucial that any scheme has the following characteristics:

- It must be entirely free at the point of use for consumers.
- It must be affordable for both small and large businesses, which may require different fee levels and charging structures.

**Q9. Would it be better to have a single ADR body or several ADR bodies operating a residual ADR scheme? What would be the ideal number and what are the reasons for this?**

The creation of multiple residual schemes could have some advantages for consumers, as competition may help to drive down prices and improve services. However, since the decision about which provider to use will be made entirely by the trader, it is also possible that creating a competitive market could compromise these schemes' independence. If provider's income comes entirely from traders, then such schemes will have a financial incentive to consider traders' needs over consumers'.

It is therefore important that schemes should only be able to compete on the price charged and the customer service offered to traders, not on factors which would affect the outcomes of cases. Which scheme a trader decides use should have no impact on the potential outcome of the case or the forms of redress offered.

**Q10. In light of the other requirements in the ADR Directive which are intended to assist consumers, would a consumer-facing complaints helpdesk be beneficial?**

Yes. Citizens Advice has extensive experience of assisting people with complex problems, and especially with helping them navigating complaint procedures and complaints. Although education and creating simple, accessible systems are vital, there will always be some problems where people require additional advice and support. Through our operation of the consumer helpline we have seen how much people value having a single place to go for advice when they are having a problem with a trader.

Research on the GB energy consumer experience also highlights that there can often be confusion when there are multiple frontline consumer support services<sup>3</sup>. In such an essential service, which is already complex and can be very confusing, consumers need to know who to turn to for trustworthy advice, including what to do if things go wrong and they want to pursue a complaint. Consumers need problems to be resolved speedily and fairly. Consequently, there should be recourse to accessible and effective complaint handling and redress processes. It is also vital that complaints data are properly recorded and reported to help identify failures and drive improvements. As well as internal organisational processes for initial consumer complaints, an effective framework should include an external route to redress, which is independent of the companies.

It is also important that the changes taking place do not involve consumers having to deal with a number of different bodies and needing to negotiate layer upon layer of processes to get complaints resolved. Any first tier consumer facing 'helpdesk' must seamlessly link to other consumer support and advice bodies in order to ensure that consumers are not left 'stranded' with a problem.

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<sup>3</sup> Consumer Focus *Making the Connection: strengthening the advice, complaint handling and redress framework* (2011)

**Q.11. Do you have any comments on the type of service it should provide and the extent to which it should examine the enquiries it receives?**

The helpdesk should provide general advice on ADR and support consumers in navigating the ADR landscape. The service should be able to inform consumer about the possible routes of redress for their problem and supply them with the information needed to decide if ADR is the best way forward. If the consumer decides to go ahead the helpdesk should be able to further explain the process and to check the approved list to see whether the trader the consumer is in dispute with is registered with an ADR provider. If the trader is registered this should be followed by an assessment of the consumer's case against the relevant ADR providers' criteria and a warm referral of the client's case over to the ADR provider. The overall aim should be to ensure a seamless customer journey for client.

The service should also capture quantitative and qualitative data on enquiries and experience of ADR, which will provide evidence of trends and gaps within existing ADR and areas without ADR provision. It should be able to gather evidence in real time, so trends can be spotted and where there are problems improvements to schemes can be suggested

**Q12. Rather than attempt to create a new service, which existing service or body is best placed to provide this function?**

Citizens Advice has 75 years' experience of helping clients to understand their legal rights and how to navigate processes or systems to address their issues effectively. In particular Citizens Advice consumer service helpline currently receives 1.3 million contacts a year from consumers with range of consumer issues, including disputes. Our most recent survey of clients who contacted the service between August 2013 and February 2014 found that 93% would use the helpline again if they needed to. 46% of callers told us things got better after they had contacted us, of which 49% felt that they would have been unable to resolve their problems without the services' help.<sup>4</sup>

The Citizens Advice consumer service advises clients on general consumer law, industry-specific rules and rights in regards to the energy and postal sectors, and on specific cases. The aim is to give clients the knowledge to resolve issues with traders and companies themselves, therefore reducing the likelihood of similar issues arising in the future. We feel that, given our existing services, high levels of consumer trust, and knowledge and experience on consumer issues, the proposed ADR helpdesk would naturally fit into the wider Citizens Advice service.

**Q13. How could a helpdesk be funded?**

To establish as simple a process as possible and reduce costs for ADR providers a levy raised by the Competent Authority and/or ADR providers should incorporate funds for the helpdesk.

**Q14. Do you agree that regulators should act as competent authorities for the ADR schemes that operate in their sectors?**

Yes. Regulators have relevant expertise and are already responsible for ensuring that traders operating in their markets are signed up to appropriate ADR schemes. Making them the competent authorities in their sectors will therefore mean that businesses will not have to pay for the additional

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<sup>4</sup> Follow-up survey of 2,423 clients (2,167 general consumer problems, 256 energy or post problems) conducted between August 2013 and February 2014.

costs of reporting to multiple bodies. However any market-specific competent authority should be obliged to supply information to the overarching competent authority, so that the way ADR is being used can be effectively monitored.

**Q16. Do you agree that the Government should allow UK ADR providers to use all of the procedural rules listed in Article 5(4) of the ADR Directive to reject inappropriate disputes? If not, please explain your reasons.**

In general we support the proposed procedural rules, although we have some reservations on specific points described below. It is however crucial that the rejection of any dispute should not leave consumers without support. All ADR providers should be expected to signpost consumers whose cases they have rejected to a more appropriate body – including offering warm referrals where appropriate. We would also want to see any such rejections reported to the relevant competent authority, so the use of these rules can be monitored to check that they are not significantly prohibiting access to ADR.

1. The consumer has made no attempt, in the first instance, to resolve the complaint directly with the business

We support this rule. ADR should never be seen as replacing businesses internal complaints procedures – which should, if they are operating correctly, be able to deal with the vast majority of consumer issues. It therefore seems entirely appropriate that consumers should be expected to complain directly to the company before they go to an ombudsman.

2. The complaint is frivolous or vexatious

We do not think that consumers will pursue such claims in any significant numbers. In our experience even consumers with significant and legitimate complaints often take no action. Consumer Focus' 2012 Consumer Detriment survey found that a third of consumers facing a problem did not 'complain or do something else to try to resolve it.'<sup>5</sup> Pursuing complaints also requires consumers to invest a considerable amount of time, which they are unlikely to do lightly. Ofcom research has shown that ADR users spend an average of 6.3 hours pursuing their complaint, and that 22 % had taken time away from work and 8% had taken time away from caring commitments to do so.<sup>6</sup> It is appropriate that businesses should be protected from vexatious or frivolous claims, but the theses terms would have to be carefully defined and reviewed to make sure they are not being used to deny consumers access to ADR.

3. The dispute is being or has been considered by another certified ADR provider or a court

We support this provision which will avoid the unnecessary duplication of work, prevent consumers and traders from becoming confused, and rule out conflicts between ADR providers. However some cases of consumer detriment can involve disputes with multiple companies – for instance someone experiencing problems with a second hand car could have reasonable grounds for complaint against both the garage they bought it from and their insurance provider. It is also possible that a consumer could have multiple disputes with one trader. Therefore we propose that a case should only be rejected for being/having been under consideration elsewhere if it is the same dispute with the same trader.

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<sup>5</sup> Consumer Focus, *Consumer Detriment* (2012)

<sup>6</sup> GfK for Ofcom, *Alternative Dispute Resolution Research* (2013)



4. The value of the claim falls below or above a pre-specified limit (any monetary thresholds must not significantly impair access to ADR)

As explained in the answer to question 6 we are concerned that any lower limit should not act to exempt any market from ADR Provision.

5. The complaint is not submitted within a pre-specified time limit (which cannot be set at less than a year from when the complaint was first submitted to the business.)

We feel a time limit would be appropriate, provided that traders are not able 'run out the clock' by drawing out complaints processes. ADR should be offered automatically after 8 weeks (the time period used by existing statutory ombudsman schemes) have elapsed since the initial complaint.

6. Dealing with that type of dispute 'would otherwise seriously impair the effective operation of the ADR entity.'

We are concerned about how broad and ambiguous this provision seems. Although it could be of use in some rare and difficult cases, we feel that clear guidance should be issued about its precise meaning.

**Q22. Do you agree that in-house ADR should not form part of the UK's implementation of the ADR Directive? If you disagree can you please explain why?**

We agree that in house ADR should not form part of the UK's implementation of the directive. Qualitative research into attitudes to consumer redress conducted by the European Commission in 2009 found that: "[t]he most frequently identified rationale for and benefit of using ADR is that it involves an 'unbiased' third party in the process. The expectation is that this will lead to a fair and equitable outcome[.]"<sup>7</sup> Therefore if we want ADR to be widely trusted and used by consumers it is crucial that such schemes should be both independent, and seen to be independent of traders.

**Q23. Do you agree that the UK should allow certified ADR providers to make decisions that are binding? If you disagree can you please explain why?**

We believe that the decisions of ADR bodies (where a case reaches adjudication) should be binding on traders. ADR should be both an alternative to costly, stressful legal action, and a way to equalise the imbalance of power between the consumer and trader. If a trader can simply ignore an ADR ruling both these aims are compromised. When a trader ignores a ruling that has been made against them, the consumer is faced with the same decision they would have had to make if no ADR had been offered: whether to risk money, time and stress taking legal action against a business that are likely to have far greater resources and knowledge than them.

At its worst this could lead to ADR becoming in some cases a delaying tactic which further exhausts consumer's enthusiasm for pursuing a complaint. We therefore advocate that those schemes which already make binding decisions should be allowed to continue to do so, that any residual scheme should operate on this basis, and that the government should consider making this a requirement for all certified ADR Schemes.

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<sup>7</sup> European Commission , *Consumer Redress in the EU: Consumer Experiences, Perceptions and Choices* ( 2009)

**Q25. Would the benefits of simplifying the ADR landscape over the longer-term outweigh the costs? Who would the costs and benefits fall to?**

The potential benefits of a simplified ADR landscape are vast. In 2012 Consumer Focus estimated that UK consumers experienced £3.08 Billion of consumer financial detriment, a figure which does not include either time lost or emotional distress. They also discovered that over a third (36%) of consumer problems were completely unresolved, and a further 13% were only partially unresolved.<sup>8</sup> Simplification of the ADR landscape could lead to substantially more problems being resolved quickly, saving consumers a considerable amount of money

Simplifying ADR would be beneficial to both consumers and businesses. Long drawn-out disputes and legal action are costly to the trader involved and to consumers who will in the end pay for the costs through higher prices. Creating a more straightforward and less expensive system for resolving disputes is therefore in everyone's interests. Also, as the consultation suggests a greater use of ADR can help to give consumers greater confidence when they make purchases, which will help to drive greater consumer engagement and business innovation. Any assessment of the potential short term costs of simplification to either government or business needs to be set against these long term benefits.

**Q26. What evidence is there that a simplified system would make a major difference to consumers? Are there other ways to achieve the aim of greater awareness and take-up of ADR?**

There are various routes to simplification, some of which can be achieved in the initial phase of implementing the directive. These include reducing the number of ADR providers so consumers know who they need to approach, creating a clear system of sign posting and referrals, and harmonising the service models between schemes.

Although there is a case for consolidating ADR provision it is important to note that reducing the number of schemes to one per market may not prove either possible or particularly beneficial to consumers. This is because an increasing number of complex purchases involve engaging in more than one market. For instance problems with the Green Deal are covered by several different schemes: the Green Deal Ombudsman can consider disputes with green deal providers and the Landlords/sellers of properties with a green deal plan, disputes over consumer credit are have to go to the Financial Services Ombudsman, and problems with billing are the purview of the Energy Ombudsman. As increasingly complex new products emerge and intermediary services continue to rise we can expect new ambiguities and overlaps to develop.

Furthermore under the proposed changes it is not just the duplication of schemes that may confuse consumers, as their experience of ADR will vary considerably across sectors and between traders. Something that is a statutory right in some cases will be entirely within the gift of the Trader in others. The criteria for considering a case will vary considerably between schemes, as will whether decisions are binding on the trader. All these variations will make informing consumers exactly what ADR is particularly challenging.

Therefore a clear system of sign posting and referrals and harmonising operating models will be crucial for making consumers' experience of the ADR market more straight forward. The current

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<sup>8</sup> Consumer Focus, *Consumer Detriment* (2012)

proposals contain many measures which will improve signposting, including the proposed helpdesk and the requirement for all traders that use ADR to make it clear on their website and terms and conditions. This could be extended by obligating all certified ADR providers to adhere to the 'no wrong door' policy which applies to the Green Deal and being required to make a warm referral to a more appropriate agency.

A more unified service model would make it easier to educate consumers about ADR and mean that they would know what to expect no matter what the nature of the dispute. This would be in keeping with the logic behind the clarification of consumer rights contained in the current Consumer Rights Bill. It could be done by strengthening the requirements to become a certified ADR entity, which is allowed under Article 2.3 of the directive. These could include: a fixed time after the initial complaint when ADR must be offered, the requirement to offer independent adjudication, an ability to make binding decision and the ability to impose both financial and non-financial forms of redress.

**Q27. Would simplifying the landscape in the longer term be compatible with the introduction of a residual ADR scheme by July 2015? Are there specific ways in which the creation of a residual scheme would need to be undertaken to enable the possibility of later simplification?**

We believe it would be, as a general ombudsman scheme is always likely to be a beneficial part of the ADR landscape. Even without a concerted effort at simplification the residual scheme will need to be able to easily adapt to changing circumstances. The nature of consumer detriment evolves continuously and new areas of dispute can emerge rapidly. For example the number of problems involving claims management companies has risen considerably the last decade, necessitating the creation of the Claims Management Regulation Unit in 2007 and the upcoming transfer of responsibility for complaints to the Legal Services Ombudsman.

It is also to be hoped that any residual scheme will need to be able to cope with an expanding caseload, as ADR increases in popularity among traders. Therefore the residual scheme should have flexibility to deal with large changes in demand and market structure, which would equip it well for the results of any simplification.

**Q28. What are your views on making the use of ADR a compulsory or voluntary requirement if the landscape is simplified?**

Citizens Advice has long believed that it should be compulsory for all traders to sign up to an ADR scheme. We see considerable consumer detriment in markets where traders can opt out of ADR. One key example of this is tenancy deposit schemes which offer ADR. The decisions of these schemes are binding, but both tenant and landlord have to agree in order for any case to be heard. Therefore many tenants are left in a situation where the only way they can pursue redress is through the courts. Such optional schemes often fail to achieve a key objective of ADR, to supply consumers with an accessible alternative to legal action.

Also, as the consultation paper acknowledges, making ADR compulsory for traders would be the clearest system for consumers, as it would establish an unambiguous right to ADR for all unresolved disputes. Therefore Citizens Advice believes, whether or not the landscape is simplified, that the government should make membership of an ADR scheme compulsory if the proposed approach fails to significantly increase access to ADR for consumers.