**PROMEDIATE BRIEFING**

**CTSI Approved Alternative Dispute Resolution Scheme**



 

**INDEX**

1. Executive Summary
2. Costs
3. Background and experience
4. General Information
5. Sample CVs of ADR Officials

 

**1. Executive Summary**

We are delighted that you have chosen us to be your ADR service provider. In this briefing document, we hope to answer frequently asked questions about the ADR Directive and ProMediate’s certified consumer ADR scheme, designed to deal with clients’ complaints about goods and services..

From 1 October 2015, all businesses have to provide details of a certified ADR Provider when a complaint has been made which cannot be resolved by their internal complaints process. We provide a time and cost efficient approach to this issue, using online dispute resolution technology. We also use the EU Portal which was introduced for online sales of goods and services from January 2016.

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| We have a nationwide reputation for mediation and are registered with the Civil Mediation Council as well as our consumer ADR scheme being certified by CTSI and also OfCom. We have over 50 independent ADR Officials experienced in all forms of Alternative Dispute Resolution, including Accredited International Online Mediators.  |
|  |  |

We look forward to a long and fruitful relationship and to assuring you to resolve any disputes that arise.



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**2. Costs – a) What are the costs to the supplier?**

**How much does it cost for a member company to join?**

There are different levels of membership available - Silver, Gold and Platinum memberships - £100 plus VAT, £250 plus VAT and £500 plus VAT.

**Member Benefits - Silver Membership**

Link to ProMediate’s ODR Platform

Access to CTSI approved ADR scheme

**Gold Membership**

One free mediation included (any value up to £10,000)

Wording provided for website and terms and conditions

Link to ProMediate’s ODR Platform

Regular ProMediate newsletter

**Platinum Membership**

Two free mediations included (any value up to £10,000)

Wording provided for website and terms and conditions

Link to ProMediate’s ODR Platform

Regular ProMediate newsletter

24 hour ADR helpline

Membership is not compulsory but it helps us to prioritise complaints and deal with them quickly. Of course, we do not prevent businesses from putting us forward to customers in the event of a dispute arising and there is no obligation to make any payment until a dispute arises. We ask that you tell us if you intend to proceed on this basis and allow us to refer to your business on our website.

ProMediate’s charges for each dispute dealt with are as set out on the website or as individually negotiated.

**Cost to Consumers:**

ProMediate charges consumers to deal with their complaints, unless the business operates a policy whereby they agree to pay the entire mediation cost (or unless the complaint concerns a communications provider, Gambling operator, or postal operator or lawyer). It is also open to the consumer to argue that the business should meet their costs of the mediation process.

**What are the costs for the next hour of mediation time?**

If the mediation is not concluded within 1 hour of mediator’s time, the parties can agree to extend the time, upon payment of a repeat fee. In practice, most cases settle within the allotted hour.

ProMediate has over 50 mediators dealing with disputes and many of those have experience of dealing with consumer rights. Many of our mediators have judicial experience and are used to dealing with litigants in person and small claims in the County Court.

**General Information - Refusals Policy:**

You may be reassured to know that we have a robust refusals policy and if a complaint falls within these criteria we do not accept the dispute and do not levy a fee.

 •if prior to submitting the complaint, the consumer has not attempted to contact the business concerned in order to discuss the complaint and sought, as a first step, to resolve the matter directly with the business.

 •any dispute or disputes that are and considered by Click2Mediate to be frivolous and/or vexatious.

 •the dispute is being or has been previously considered by another ADR entity (such as a different mediator or Ombudsman) or by a Court

 •the value of the claim is worth more £10,000.

 •the consumer has not submitted the complaint within 12 months from the date upon which the business has given notice to the consumer that the business is unable to resolve the complaint with the consumer.

**Dealing with Complaints**

We do not make a decision about the dispute but conciliate and mediates between the business and customer in an attempt to help them to reach a settlement. The process is entirely voluntary and non-binding until any agreement is reached between the business and consumer. However we do provide a non binding report in relation to the matter if requested.

There are four easy steps to follow:

**STEP 1 - COMPLAINT**

The customer refers the dispute to us after they have been notified that the dispute cannot be resolved and as to the business’ nomination of ProMediate. An application can be made after:

The customer has exhausted the business’ complaints procedure and the business has told the customer that they are eligible to in an email or “deadlock” letter (where they have come to the end of the internal complaints handling process and the dispute has not settled).

The process begins with the customer submitting details of their complaint using ProMediate’s online dispute resolution portal or in any other way. The customer inputs their details and details of the dispute directly on the website.

Alternatively, the customer can print off a Complaint Form and upload this to the website or email it to ProMediate.

The customer can also summarise the details of the dispute over the telephone or via email and completion of the form is carried out by ProMediate.

ProMediate will also use the EU ODR online Platform from 9 January 2016.

**STEP 2 – RESPONSE**

After the customer has submitted their Complaint Form and any supporting documents, by post or online, we make sure that the complaint complies with our Refusals policy and then forward these to the member within 7 days.

The member will then submit its Response to the complaint online through the website, or print off and upload or email a Response Form and supporting documents to ProMediate within 7 days.

Alternatively, ProMediate can complete this on the basis of the information received by email or over the phone.

Upon receipt or completion of the Complaint Form and Response Form a mediator will be allocated to the case, making sure that there is no conflict of interest.

**STEP 3 – MEDIATION**

We will then contact the parties by telephone or email to try to resolve the case, within a further 7 days.

The complaint will be dealt with by a professional, fully trained mediator (ADR Official) who will be completely independent and impartial as well as being knowledgeable about the Consumer Rights Act 2015 and other consumer legislation.

A list of our current mediators can be found on the website, with details of their experience and qualifications.

The mediators possess a general understanding of the law and the necessary knowledge and skills in the field of out of court or judicial resolution of consumer disputes, to be able to carry out their functions competently. The mediators allocated to deal with complaints are professionally qualified people, including solicitors or barristers.

The mediator will act as a go-between between the business and the customer, discuss the details of the complaint and see whether there is any scope for agreement. During the process, the mediator will consider the evidence submitted by the parties and their Complaint and Response Forms or online through ProMediate’s ODR Portal.

They will also consider all relevant law and will consider what is most fair and reasonable in light of all of the circumstances before them when negotiating and when completing a non binding report.

**STEP 4 – CONCLUSION – settlement/no settlement**

We will deal with the dispute within 28 days of receiving the completed Response Form (long stop of 90 days). If the complaint is resolved, the mediator will record the agreement in writing. The customer has 5 working days to consider any offer from the business, but may accept quicker than this.

At the conclusion of the 28 day process, if the matter has not been resolved, the mediator will confirm this in writing, or the parties can agree to extend the process upon payment of a further fee. There is a long stop deadline of 90 days from receipt of the Complaint Form to complete the process.

**How long does this process take?**

ProMediate will seek to resolve the complaint within 28 days of receipt of the response from the member, rather than 90 days provided for in the Regulations.

**Are your decisions binding on the business?**

All communications between the business, the customer and the mediator during the process will be “without prejudice” (that is, that they cannot be referred to elsewhere, for instance in court proceedings) and are non-binding. Either party is free at any stage to terminate the mediation process. It is only if a settlement is agreed that the settlement agreement will be binding on both parties.

**Settlement Agreements**

We are not an ombudsman and does not impose a decision on the business or customer. We cannot make the business comply with any settlement agreement reached, but a settlement agreement will be binding on the parties (and is enforceable using the Court).

The business or the customer are free to take the matter further at any stage (before settlement). The customer has 5 working days to tell Click2Resolve whether they accept any proposal. If both parties accept a proposal, it will be binding on the business and the customer.

**In the case of compensation, what is the maximum amount you can award or recommend? Do you publish details of complaints you have considered?  (e.g. on your website or in an annual report)**

We deal with complaints about goods and services up to a value of £10,000 but can deal with disputes over this amount outside the scheme. We publish anonymised statistics and summaries regarding complaints considered in our annual report to CTSI.

**Will you review complaints of regarding non-members?**

Yes, but we would have to contact a non-member first to ascertain whether they would consent to use the Click2Resolve system before proceeding to review the complaint.

If a business is not a member, we would ask them whether they would agree to join the scheme, or mediate on a one-off trial basis before joining as members. Non members pay a higher fee generally and do not have access to the Members area.

**Contact Us**

Please contact me at petercauston@promediate.co.uk for more details.



www.promediate.co.uk