

## Schedule 5 -ProMediate – annual report October 2020 - 2021

Information to be included an ADR entity's annual activity report

(a) the number of domestic disputes the ADR entity has received;

No. enquiries received (domestic)	No. enquiries received (cross-border)	No. disputes received (domestic)	No. disputes received (cross-border)	No. disputes accepted (continued to case) (domestic)	No. disputes accepted (continued to case) (cross-border)
1500 approx	0	32	0	32	0

(b) the types of complaints to which the domestic disputes and cross-border disputes relate;

Types of disputes:

Disputes concerning lawyers and legal services. Gambling disputes (Gambling Commission) Credit hire and repair (Auxillis)

Domestic building disputes

Purchase of shoes (Clarks)

Second hand car purchase and car repairs

White goods purchase (Whirlpool)

Complaints about holidays (Holiday Gems)

The majority of matters we deal with relate to gambling operators and credit hire repair services.

This year we completed a free trial service funded by the EU and published a report at [www.promediate.co.uk](http://www.promediate.co.uk)

(c) a description of any systematic or significant problems that occur frequently and lead to disputes between consumers and traders of which the ADR entity has become aware due to its operations as an ADR entity;

We are aware of disputes concerning vehicle sales and repair, the purchase of electrical items, the supply of legal services, disputes with builders where the retailer, builder or lawyer refuses to use ADR. This includes the majority of the enquiries above.

- (d) any recommendations the ADR entity may have as to how the problems referred to in paragraph (c) could be avoided or resolved in future, in order to raise traders' standards and to facilitate the exchange of information and best practices;

In relation to building work disputes would reduce if builders provided accurate estimates for the work done and recorded variations to contracts.

Generally, disputes could be resolved if parties agreed to use ADR or had to do so before commencing or defending court proceedings. There is little incentive for traders to use ADR and we are not aware of any enforcement action for breach of the Regulations. The UK should rejoin the EU ODR Platform. Our recommendations are set out in our report at [www.promediate.co.Uk/adr-roadshow/](http://www.promediate.co.Uk/adr-roadshow/)

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- (e) the number of disputes which the ADR entity has refused to deal with, and the percentage share of the grounds set in paragraph 13 of Schedule 3 on which the ADR entity has declined to consider such disputes;

Total no. of disputes rejected	12
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Reason	No. rejected	Percentage of rejected
a) the consumer has not attempted to contact the trader first	20 Clarks shoes consumers sometimes contact us first	100%
b) the dispute was frivolous or vexatious		
c) the dispute had been previously considered by another ADR body or the court		
d) the value fell below the monetary value		
e) the consumer did not submit the disputes within the time period specified		
f) dealing with the dispute would have impaired the operation of the ADR body		
g) other (enquired too early, not yet complained to trader, trader not member, advice call etc...		

- (f) the percentage of alternative dispute resolution procedures which were discontinued for operational reasons and, if known, the reasons for discontinuation;

	No. discontinued	Percentage of discontinued
Discontinued for operational reasons	0	0

Reasons for discontinuation:

(g) the average time taken to resolve domestic disputes and cross-border disputes;

	Domestic	Cross-border
Average time taken to resolve disputes (from receipt of complaint)	Average time in days – average 14 days from notification – domestic only.	
Average time taken to resolve disputes (from 'complete complaint file')	7 days on average	

Total average time taken to resolve disputes	14 days
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(h) the rate of compliance, if known, with the outcomes the alternative dispute resolution procedures (amongst your members, or those you provide ADR for)

100% as far as we are aware

***(i) This point has been removed in amendments on 1 January 2021***

Please add any additional information or data you think might be useful or interesting at the bottom of this report.

Complaints reduced because of coronavirus and our completion dates were extended owing to conducting the ADR trial which involved a more lengthy remote mediation. See report at [www.promediate.co.Uk/adr-roadshow/](http://www.promediate.co.Uk/adr-roadshow/)

## Schedule 6 ProMediate – October 2019 – 30 September 2020

Information which an ADR entity must communicate to relevant competent authority every two years

(a) the number of disputes received by the ADR entity and the types of complaints to which the disputes relate;

No. enquiries received (domestic)	No. enquiries received (cross-border)	No. disputes received (domestic)	No. disputes received (cross-border)	No. disputes accepted (domestic)	No. disputes accepted (cross-border)
3000 approx	N/a	77	0	77	0

Types of disputes:

- (b) the percentage share of alternative dispute resolution procedures which were discontinued before an outcome was reached;

Reason	No. disputes discontinued	Percentage discontinued
Rejected for operational reasons	0	
a) the consumer has not attempted to contact the trader first	40	100%
b) the dispute was frivolous or vexatious	0	
c) the dispute had been previously considered by another ADR body or the court	0	
d) the value fell below the monetary value	0	
e) the consumer did not submit the disputes within the time period specified	0	
f) dealing with the dispute would have impaired the operation of the ADR body	0	
Case withdrawn by consumer	0	
Case withdrawn by trader	0	
Solution reached without ADR	0	
The trader was not a member of the ADR scheme (if this is a requirement)	0	

- (c) the average time taken to resolve the disputes which the ADR entity has received;

	Domestic	Cross-border
Average time taken to resolve disputes (from receipt of complaint)	12	0
Average time taken to resolve disputes (from 'complete complaint file')	7	0

Total average time taken to resolve disputes	12
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- (d) the rate of compliance, if known, with the outcomes of its alternative dispute resolution procedures;

We are not aware of traders failing to comply.

- (e) any recommendations the ADR entity may have as to how any systematic or significant problems that occur frequently and lead to disputes between consumers and traders could be avoided or resolved in future;

In relation to building work disputes would reduce if builders provided accurate estimates for the work done and recorded variations to contracts.

Generally, disputes could be resolved if parties agreed to use ADR or had to do so before commencing or defending court proceedings. There is little incentive for traders to use ADR and we are not aware of any enforcement action for breach of the Regulations. The UK should rejoin the EU ODR Platform. Our recommendations are set out in our report at [www.promediate.co.Uk/adr-roadshow/](http://www.promediate.co.Uk/adr-roadshow/)

***(f) This point has been removed in amendments on 1 January 2021***

- (g) where the ADR entity provided training to its ADR officials, details of the training it provides;

Although we do provide mediator training as a CMC Training Provider our ADR officials organise their own training as mediators.

- (h) an assessment the effectiveness of an alternative dispute resolution procedure offered by the ADR entity and of possible ways of improving its performance.

We were providing ADR remotely via Zoom for consumer cases pursuant to the EU funded ADR Roadshow but cannot afford to continue this without an increase in charges as more time is required. As our report shows our mediation services are highly effective and the majority who try them would use ADR again. [www.promediate.co.Uk/adr-roadshow/](http://www.promediate.co.Uk/adr-roadshow/)

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Complaints reduced because of coronavirus and our completion dates were extended owing to conducting the ADR trial which involved a more lengthy remote mediation. See report at [www.promediate.co.Uk/adr-roadshow/](http://www.promediate.co.Uk/adr-roadshow/)