



Collegiate

UNDERWRITING

A Guide to The Centre for Effective Dispute Resolution
(CEDR)

The Centre for Effective Dispute Resolution

Dealing with complaints can be a stressful and worrying time for a firm. Here we look at some of the key information and guidance for dealing with complaints against surveyors which have been referred to adjudication at CEDR.



Who are CEDR?

CEDR is the Centre for Effective Dispute Resolution; providing a range of alternative dispute resolution (“ADR”) schemes. This includes a specific independent adjudication scheme for RICS if complaints cannot be resolved through a firm’s own complaints process.

When can a matter be referred to the CEDR?

If a matter cannot be resolved through the firm’s complaints process, or more than 8 weeks have passed since the complaint was made, a complainant can refer the matter to CEDR. They are only able to do this if a firm’s complaints procedure specifically refers clients to CEDR as an ADR service.

How long will the process take?

Once the matter has been referred to CEDR they are obliged to provide a response within 90 days but aim to resolve matters within 65 days. Compared to other Ombudsmen and adjudication services this is a relatively quick turnaround.

What to do on receipt of the notification of referral



1

Once the referral has been made and CEDR have confirmed that the complaint falls within their jurisdiction, they will notify the firm. You should let your broker (if relevant) and insurer know that the matter has been referred for adjudication. The initial complaint should have already been notified to your insurer, with any response being approved, so they should have a record of the claim.

2

The firm will be provided with the opportunity to provide submissions on the complaint including any relevant documents, you will have 15 days to do this. Depending on the response provided when the complaint was first made it may just be a case of providing a further copy of this correspondence, or that a firm wants to make further comments. Any proposed response should be discussed and approved by your insurer prior to sending.

3

In view of the tight deadline to respond imposed by CEDR it is very important that your insurers are informed of the referral as soon as possible and provided with any draft submission in good time.

What happens once the adjudicator has the response?



Once the firm has provided their response, this will be referred to the complainant who will be given the opportunity to provide any further comments. After this, the adjudicator will review the information provided by both parties and will come to a proposed decision.

This will be submitted to the parties for any further comments before the adjudicator submits their final decision.

It is useful to note that the firm and customer can seek to resolve the matter themselves throughout the process. If the parties come to an agreement before the adjudicator issues a decision there will be a reduced fee charge payable by the firm and so this may be worth considering if a firm thinks the decision is likely to go against them.

What can the Adjudicator decide?

The adjudicator can either reject or uphold the complaint. If the complaint is rejected then the firm will not have to take any further action.

If the complaint is upheld, the adjudicator will consider whether there has been any loss to the complainant and will award an amount (if any) to be paid. This will be based on the losses that the claimant is able to prove and the adjudicator will take account of any relevant law or customer care standards. Under the adjudication rules the maximum that can be awarded is £25,000. There is also a cap of £1,000 on any award for distress and inconvenience (which is included in the £25,000 overall limit).

As well as monetary losses the adjudicator can award non- financial remedies such as an apology or having to carry out specific actions or services.

What happens once a decision has been made?

The complainant can either reject or accept the decision and has 20 days to do so. If the decision is accepted this has to be in full, a complainant cannot choose to accept only part of the decision and pursue other aspects of the complaint separately. If the decision is accepted then this becomes binding on both parties and the firm will have to pay any compensation, or carry out any actions directed, within the timescales set out in the decision. If the decision is rejected then this is not binding on either party and has no effect in law. The complainant is still able to pursue the claim through legal proceedings.



In Summary

While dealing with a complaint referral to CEDR can be worrying, the firm will have a chance to put forward their comments and respond to the adjudicator's proposed decision prior to this being finalised. Your insurer and broker will be able to assist you with any response and guide you through the process. You should ensure that they are kept updated throughout the process.

This guide was written by Charlotte Major at Collegiate Claims.

It has been produced for information purposes only and is not to be relied upon or construed as legal advice.

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