

ADR Template Scheme Rules - under the Digital Markets, Competition and Consumers (DMCC) Act 2024.

These template scheme rules can be used by organisations providing ADR who need to become accredited under the DMCC Act 2024, and those transitioning from the 2015 Regulations to the DMCC Act 2024.

Note that this only covers the information requirements contained in the Regulations, other supporting documentation and information should be provided by the ADR body to demonstrate compliance. Further information can be found in the full criteria document.

You will also need to consider if your ADR process is binding on any parties. As this is the most common operating model we see, these scheme rules are based on a membership organisation as an ADR body, whose members are bound to abide by the decision reached. You can amend this to suit your own ADR procedure.

If you are imposing decisions on consumers, you must have safeguards in place to ensure you do not restrict or undermine consumers' statutory rights. In addition, parties must be informed and accept this prior to the outcome being issued. Should this apply to you, it must be clearly outlined in your scheme rules.

Anything in [brackets] should be filled in by the ADR provider.

Guidance points are in italics.

Procedures and policies for Alternative Dispute Resolution (ADR)

[Version X / date controlled]



[ADR body] is accredited by CTSI under delegated powers from the Secretary of State for Business and Trade, under the Digital Markets, Competition and Consumers Act 2024.

Guidance: The logo and statement will be provided following approval – do not incorporate this until you have achieved approval or successfully transitioned over to the new requirements – this will be confirmed by CTSI and a new logo provided

[ADR body] provides Alternative Dispute Resolution (ADR) for complaints brought by a consumer against a trader, who is a member of [ADR body].

To find out if a trader you have a complaint about is a member, please click here [insert link to list of members].

[ADR body] members are bound by the decision reached, but the complainant can choose to accept or reject the outcome.

The [ADR body] ADR process is free to consumers. [Nominal charges may only apply if agreed in advance with CTSI]

[ADR body]'s annual report can be viewed here [insert link to annual report].

Scope of the ADR process

[ADR body] uses [insert type of ADR used – mediation, conciliation etc] to resolve complaints.

We offer ADR for complaints relating to [list the different kinds of complaints your ADR service can handle].

Participation in [ADR body's] ADR process may result in the following possible outcomes:

[list the possible outcomes of the ADR process].

[If you use more than one type of ADR, the different kinds of complaints for each type of ADR must be listed, as well as the possible outcomes for each.]

[Insert your scope – you must clearly outline the scope of the ADR service you offer, including the types of complaints you are competent to deal with]

Contact details

- [Postal address here]
- [Phone number here, if appropriate]
- [Email address here, if appropriate]
- [Link to online form]
- [Any other relevant contact information]

General information

- [ADR body] can only accept complaints in English, and the ADR procedure will be conducted in English. [add any other languages accepted]
- The ADR procedure can be conducted in writing or verbally. [amend as appropriate]
- We will take into account [any applicable legislation, code of conduct etc – outline the considerations taken into account] when resolving complaints.
- The complainant can withdraw their complaint from this ADR procedure at any time. [Amend as appropriate]
- Any outcome of the ADR procedure is not legally binding [amend as appropriate] and does not prevent a consumer seeking redress through the courts.
- Both parties are entitled to be represented or assisted by another person.
- The average length of the ADR process is currently [enter timeframe in days].
- [Insert any rules you have on awarding costs at the end of the ADR procedure – damages, compensation etc]

Referring a complaint to [ADR body]

- [ADR body] members should inform customers that they have access to a free ADR service through [ADR body], when they have reached the end of their internal complaints process. Details on how to contact [ADR body] should be provided to customers by the member.
- The complainant must have exhausted the business members complaints process, before a complaint can be raised with [ADR body].
- Complainants have 12 months [enter time frame – this can be no less than 12 months] from the date of the business members final response to raise a complaint with [ADR body].
- Only complaints about [ADR body] members can use this service.
- Complaints can be submitted using the contact details outlined above, or by submitting through the online portal, here. [insert link to online portal]
- [Any other requirements a customer needs to have met before the ADR procedure can commence]

Grounds for Refusal

(Guidance: ADR bodies need to list their 'grounds for refusal' to ensure this is clear to consumers. ADR bodies may not unreasonably refuse to carry out ADR. The accepted grounds for refusing a case are those listed below, ADR bodies only need include those that are relevant. Anything additional may require justification to the Competent (Relevant) Authority to demonstrate that they are reasonable.)

- [ADR body] may refuse to handle your complaint due to one or more of the following reasons:
 - a. Prior to submitting the complaint to [ADR body] the complainant has not attempted to contact the trader concerned to discuss the complaint and sought, as a first step, to resolve the matter directly with the trader.
 - b. The dispute is frivolous or vexatious.
 - c. The dispute is being, or has been previously, considered by another ADR entity or by a court.
 - d. The value of the claim falls below or above the monetary thresholds set by [ADR body]
 - e. The complainant has not submitted the complaint within the time frames mentioned above.
 - f. Dealing with such a type of dispute would seriously impair the effective operation of [ADR body]
 - g. [Add any other reasons applicable, as agreed with CTSI]

ADR Procedure

- Once [ADR body] has received the complaint from the complainant, we will review it to ensure it is something we can handle. If it is not possible for us to handle your complaint, we will let you know as soon as possible and, where possible, you will be signposted to other organisation(s) who may be able to help.
- If the complaint can be handled, [ADR body] will acknowledge this to both parties and provide details on the ADR procedure, including expected timeframes.
- If there is a conflict of interest, [ADR body]'s policy on this will be followed (see below).
- All relevant information will be collated by [ADR body] from both parties, who will have a reasonable amount of time to express their points of view.
- The information required can be submitted either online or by post and may include, but is not limited to:
[Enter typical evidence required from complainant]
- Once all required information is received from the complainant, this will be provided to the business for comment. The business will have 10 working days to respond.
- Once the information has been provided by the business, this evidence will be sent to the complainant for final comment. The complainant will have 10 working days to respond.

(Guidance: This can be repeated as often as needed, provided the consumer who has initiated the dispute, sees all the evidence / comment provided by the other party)

- Once [ADR body] has all the required information for the ADR process to begin, this will be considered the 'complete case file' and both parties will be notified in writing at this point.
- Once [ADR body] is in receipt of the complete case file, the outcome will be notified to both parties in writing within 90 days.
- [ADR body] will keep parties to the dispute informed about the conduct and progress of any ADR being carried out [enter relevant information on how parties will be informed.]
- The complainant can withdraw their complaint from this ADR procedure at any time.
[Amend as appropriate]
- Once the ADR procedure has concluded and a decision reached, both parties will be provided with this in writing and we will explain how the outcome has been reached.
- At this point we will also remind parties of the following:
 - a. The complainant has the choice as to whether or not to agree to or follow the proposed solution.
 - b. Participation in the procedure does not prevent the possibility of seeking redress through court proceedings.
 - c. The proposed solution may be different from an outcome determined by a court applying legal rules.
 - d. The complainant can accept or reject the ADR decision.
- The complainant will be given [enter number of days] to accept or reject the decision reached.

- [Enter information on any appeals process, if applicable]

Conflicts of interest

[Enter detail on your conflict of interest policy here]