

Information Sheet

The Carpet Foundation Consumer Code of Practice ADR Procedure

1) The Conciliation Process

Conciliation is offered to consumers to use in the event of a dispute with a CF Retail Member which cannot be settled acceptably through the terms of the Code or by the well established trade procedures. It is offered as an alternative to legal proceedings but does not preclude the consumer from pursuing legal redress.

Conciliation is a process that seeks to establish an equitable agreement between the CF Retail Member and the consumer. It seeks to bring the two parties together to jointly agree a way to end the dispute.

- Conciliation will be carried out by the Carpet Foundation ADR Official
- No inspection visits or testing will be carried out; the process will be based solely on written evidence that exists at the time the application for conciliation is made
- No binding judgement can be imposed as conciliation is essentially a 'peace brokering' process
- Should conciliation fail to achieve a conclusion which is acceptable to both parties, the consumer has the right to refer the dispute to the Consumer Code of Practice ADR Arbitration procedure.

Regardless of how they contact the CF the consumer will be required to complete an ADR application form (Form A) and return it to the Carpet Foundation by post or email.

The Carpet Foundation will inform the Retail Member that an application for ADR has been received and will send the retailer a blank part B application form for them to complete. Both parties will be requested to accompany their application forms with as much supporting written/photographic evidence as possible.

The Carpet Foundation will provide copies of both parts of the application to both parties to the dispute (once in receipt both parties have 15 days to respond with any further information).

Once this information from the consumer & retailer is to hand the CF will issue a Complete Complaint File notice to both parties and this date will be recorded. If the CF is unable to handle the complaint we will notify the parties within 3 weeks of the Complete Complaint File notice.

The application may include some or all of the following:

- The report of the CF Retail Member's initial inspection.
- If applicable, a copy of the manufacturer's inspection report. A copy of the original quotation.
- Copies of all relevant correspondence.
- Details of the installation and who carried it out.
- Details of the CF Retail Member's final conclusion (after all the above have been considered including any settlement offer made).
- Any other relevant information / photographs.

All the documents will be examined in detail and an opinion formed on a suggested fair settlement. This will be communicated to both parties in writing, usually within 2 working weeks.

The Conciliation service is free to both the consumer and the CF retail member.

Parties to Conciliation have the choice on whether or not to agree to, or follow the proposed solution.

Participation does not prevent the possibility of seeking redress through court proceedings.

The proposed solution may be different from an outcome determined by a court applying legal rules.

The Consumer can also withdraw from the ADR procedure at any time.

Once a solution is proposed the parties have 2 weeks to agree/disagree with the solution.

Application for Conciliation can be made either on paper or digitally, via post, email or phone.

Contact details for the Carpet Foundation are as follows: The
Carpet Foundation
MCF Complex
60 New Road
Kidderminster
Worcestershire
DY10 1AQ

Tel: 01562 755568

Fax: 01562 865405

Email: info@carpetfoundation.com

Website: www.carpetfoundation.com

Both Domestic (UK based) and Cross Border disputes (including disputes referred via the Online Dispute Resolution platform, ODR) can be dealt with under the terms of the Code of Practice.

Complaints will be accepted in English and the ADR procedure will be conducted in English.

Complaints could be declined on the following grounds:

- the complaint is vexatious.
- the complaint appears to be based on misleading or fraudulent evidence.
- the complaint has already been considered by another ADR body / the courts.
- the complaint is outside the scope of the Code of Practice or Carpet Foundation expertise, or there is a potential Conflict of Interest.
- the consumer has not first attempted to try to resolve the matter with the retailer.

In the event of a conflict of interest we will offer to replace our ADR official with the head of our compliance committee (Jonathan Price) who is a professional solicitor.

Parties to the ADR procedure are not obliged to obtain independent advice or be represented/assisted by a third party, although they may choose to do so.

Parties to the ADR procedure will be notified of the outcome in writing and if requested via email.

ADR procedures can be initiated by oral means but will be conducted in writing.

The average length of time of the ADR procedure is 90 days. It can be extended via written agreement of all parties.

More information regarding the ADR process and the Online Dispute Resolution procedure can be found at:

<http://www.businesscompanion.info/en/quick-guides/consumer-contracts/alternative-dispute-resolution>

<http://ec.europa.eu/consumers/oder/main/index.cfm?event=main.home2.show&Ing=EN>