



## **British Association of Landscape Industries**

### **Customer Quick Start Guide: Dispute Resolution Service**

The British Association of Landscape Industries (“the Association”) has teamed up with the Dispute Resolution Ombudsman (“the Ombudsman”) to offer an independent approach to resolving disputes between customers (“the Customer”) of accredited contractors or designers (“the Member”).

On behalf of the Association, the Ombudsman has jurisdiction to investigate unresolved disputes between the Customer and the Association’s accredited contractors and designers.

#### **What are the benefits of the Dispute Resolution Service?**

- Dispute Resolution Ombudsman is independent and impartial
- The service is free for customers who have used the services of a Member
- The service will provide a clear resolution that the Member is legally bound to comply with
- The resolution process is easy to access, meaning the Customer can avoid potentially lengthy and costly litigation.

#### **When can the Dispute Resolution Ombudsman be contacted?**

It is important the Customer has given the Member a reasonable opportunity to fully investigate and respond to any complaint before contacting the Ombudsman.

The Ombudsman will accept a complaint if:

- The Customer has been provided with a final response from the Member which has referred the Customer to the Ombudsman
- Or it has been 4 weeks since the Customer first raised their complaint with the Member and the Customer has not had an acceptable response at this point.

#### **What type of complaints can the Dispute Resolution Ombudsman help with?**

The Ombudsman can investigate complaints that involve:

- Work carried out by an Accredited designer or contractor who is a current member of the British Association of Landscape Industries
- A service performed by an Accredited designer or contractor who is a member of the British Association of Landscape Industries

#### **What complaints can the Dispute Resolution Ombudsman not help with?**

The Dispute Resolution Ombudsman cannot help if;

- The Customer has a complaint against a business that is not currently a member of the British Association of Landscape Industries
- The Customer has a complaint against a member of the British Association of Landscape Industries who has entered administration, liquidation or has ceased trading

- The Customer has a complaint against a member of the British Association of Landscape Industries that is already being dealt with by a court or another Ombudsman scheme
- The Customer has previously accepted a resolution in full and final settlement of a dispute with a member of the British Association of Landscape Industries
- It has been more than 3 months since the Customer has received a final response about their complaint from a member of the British Association of Landscape Industries

### **What is the process associated with the Dispute Resolution Service?**

- The Ombudsman will send the Customer a Client Resolution Form which will capture all project information.
- The Ombudsman expect the Customer to submit supporting evidence including:
  - All project documentation, including contract, design drawings, specification and bill of quantity
  - High resolution photographs of the project – and the aspects which concern you
  - All correspondence exchanged during the project
  - Details of any variations agreed during the project
- The Ombudsman will forward the completed application form and evidence to the Member responsible for the project, and ask them to respond with their own account and supporting evidence
- An Ombudsman will be assigned to assess the documents and begin a process of conciliation between the Customer and Member
- Where an agreement cannot be reached or where the Ombudsman has been unable to make a decision based upon the evidence provided, the case may proceed to adjudication. At this point an Independent Expert Witness may be asked to visit the location of the works to provide their opinion.
- With a complete case file, the Ombudsman will then write their Adjudication report.

### **How will DRO make a decision and what are the possible outcomes?**

A decision will be made based on evidence supplied, legal obligations of both parties and what appears to be fair and reasonable given the circumstances of the case.

Whilst the Member is bound by the decision of the Ombudsman, the Customer is not, and remains free to pursue their complaint via an alternative method should they disagree with the outcome of the Ombudsman.

As a provider of alternative dispute resolution services, the Ombudsman has more flexibility than the legal system to identify remedies to resolve a dispute. Solutions may include:

- Remedial works
- Instruction for the Member to provide an explanation or gesture of goodwill
- Refund (full or partial)
- Compensation (the Customer will need to evidence any losses incurred)

### **How to raise a complaint**

The fastest way to raise a complaint is via a secure online portal which the Customer can access via the Ombudsman website - [www.disputeresolutionombudsman.org](http://www.disputeresolutionombudsman.org)

Should the Customer prefer, they can download a copy of the Ombudsman's complaint application form or contact the Ombudsman's office who will happily post the Customer a paper version to complete.

### **About us**

The Dispute Resolution Ombudsman are an independent not-for-profit organisation, who provide alternative dispute resolution (ADR) helping businesses and their customers resolve disputes without the need of the courts. Established in 1992 Dispute Resolution Ombudsman are a full member of the Ombudsman Association and approved by the Chartered Trading Standards Institute, the Dispute Resolution Ombudsman's work is also overseen by an independent Standards Board.

Part of the Ombuds Group, the Dispute Resolution Ombudsman operate various schemes including the Dispute Resolution Ombudsman, the Rail Ombudsman and the Furniture and Home Improvement Ombudsman.