



## **SUBMITTING A CASE TO THE OMBUDSMAN**

**THESE NOTES WILL PROVIDE INFORMATION ABOUT HOW THE SCHEME WORKS AND HELP YOU TO COMPOSE YOUR COMPLAINT**

### **CHECKLIST**

YOU SHOULD BE ABLE TO TICK ALL OF THE FOLLOWING BOXES. PLEASE RETURN A COPY OF THIS CHECKLIST (COMPLETED) WITH YOUR COMPLAINT FORM.

You have read this Guide

The removal/storage company is a member of the National Guild of Removers & Storers (NGRS) and you have already raised your complaint with them in accordance with their own internal complaints procedure

You are within the time limit of 12 months from the date that your complaint was notified to the member in writing, whether on paper or by electronic means, under their own internal procedures

You have completed, signed and returned to the Ombudsman 'Your Complaint' form. You need to attach all relevant documents such as the quotation, terms & conditions, invoices and a chronological outline of the main events/photographs/statements from independent witnesses on which you intend to rely

You may send the completed form with any attachments by post or by email. See Complaints Form for details.

### **THE SCHEME**

The Scheme is listed by the Chartered Trading Standards Institute as a certified Alternative Dispute Resolution (ADR) Organisation.

### **THE OMBUDSMAN**

Tony Kaye is the ADR Official (Ombudsman) for this process. He is employed on a fixed term contract to adjudicate on complaints and is completely independent of the NGRS.

### **REFUSAL OF COMPLAINTS**

Vexatious complaints will not be accepted, nor will complaints that are received over twelve months from the date of closure of the member's own internal procedures. Complaints will not be accepted that have already been heard by a

court, another ADR provider or by the British Association of Removers. You will be notified within 28 days of the receipt of your complaint if your complaint has been refused, along with reason(s) why.

## **CONFLICTS OF INTEREST**

Where an actual or potential conflict of interest arises in relation to a complaint, and there is nobody else available to consider the complaint, the Ombudsman shall explain to both parties the circumstances of the conflict of interest, that they have a right to object to him/her continuing to handle their dispute and that he/she can continue with the complaint only if no party objects. The Ombudsman will maintain a record of any actual or potential conflicts of interest.

## **TYPES OF DISPUTES CONSIDERED**

The scheme will only consider complaints against NGRS members where consumers have raised their complaint with the member under their own internal procedures. Claims are limited to service issues only and do not cover claims of loss and/or damage to property and/or goods – **please see the attached flowchart**. There are no financial limits to claims and there is no charge to the consumer for using the scheme. Although some complaints will involve moves to foreign countries, only domestic law contracts will be considered.

## **CRITERIA THE OMBUDSMAN WILL USE**

The Ombudsman will take account of what you, as a consumer, should reasonably expect when using a removal or storage service.

For example, you would expect your removal or storage to be carried out with care and skill; to a professional standard; within a reasonable time; and with the use of reliable and appropriate materials and equipment.

Any matters concerning insurance will fall outside the remit of the Ombudsman.

You should also bear in mind that in a dispute:

- the Ombudsman will take account of any advantage you gain by not paying the account on time, and may reflect this in any subsequent Award
- any compensation/money offered to you by the remover/storer up to the point of pursuing your complaint automatically lapses

The Ombudsman will evaluate all the circumstances of your complaint objectively, including examining the contract you signed with the removal company; their terms and conditions of business; the NGRS Code of Practice, and will weigh your experience against all of these factors.

If the Ombudsman decides in your favour, any redress awarded to you will aim to be reasonable and to restore you to the position you were in immediately before the action complained of. The award will not be punitive, nor will it attempt to substitute for a claim against insurance.

Using this scheme does not prevent you from taking further legal action in the courts. The scheme is not binding on you, but it is binding on the removal company. You can also remove yourself from this process at any time. If you decide to remove yourself while the investigation is underway you should inform the Ombudsman at once.

Complaints will only be received in English and all proceedings are carried out in English.

## **AWARDS**

The Ombudsman does not always make an award of compensation but can do so when:

- satisfied that loss or damage has been incurred
- significant and avoidable inconvenience and/or distress has been caused (over and above that inherent in the activity of a removal)
- the removal company has behaved or performed inadequately or unprofessionally

The size of the removal/storage fee will not determine the amount of compensation awarded. In assessing compensation, the Ombudsman takes account of any contributory liability that might reasonably be attributed to any parties to the complaint and to events outside the control of the complainant/remover/storer.

## **THE COMPLAINT PROCEDURE**

When you submit the form 'Your Complaint' the Ombudsman will review your case. If it is pursued, a copy of the Complaint Form and any relevant statements or evidence you have sent to the Ombudsman will be copied to the removal/storage company.

The company will be asked to respond within 10 working days: this is in line with the Code of Practice. However, if they fail to respond within that time, or within any extension given for extenuating circumstance, the Ombudsman will make a determination. Evidence must be in writing, but clarification of issues may be sought or given by phone or email.

Any statements received from the remover/storer will be conveyed back to the complainant by email or post and both parties will have an opportunity to make further comments. 2 weeks are allowed for either side to review the evidence presented to them and the complainant will also have the opportunity to reflect on any adjudication before being asked to accept it.

The Ombudsman may undertake independent investigations and can elect to seek expert advice.

## **RESOLUTION**

### ***DETERMINATION AND COMPENSATION:***

The Ombudsman will conclude the investigation with a determination, which will be sent to the complainant and the removal/storage company.

If the complaint is upheld, an award of compensation may be ordered for loss, damage, inconvenience or undue distress. If an award is made in favour of the claimant a date will be set by which the remover/storer must make payment. The Ombudsman may also decide that, irrespective of fault, no Award is warranted.

**REVIEW:**

The Ombudsman's decision is final and binding on the remover. It is not binding on the consumer.

**REJECTION OF THE OMBUDSMAN'S DECISION:**

If you are not satisfied with the Ombudsman's decision you may seek redress elsewhere, for example in court.

**COMPLAINANT'S WITHDRAWAL:**

You may withdraw your complaint by informing the Ombudsman in a signed and dated letter or by email at any point before the date of the Ombudsman's determination.

**REPRESENTATION**

Consumers can be represented (at any time) during the process. If you are being represented, you need to inform the Ombudsman in writing of this and provide your permission for this other person to represent you.

**TIMEFRAMES**

Your complaint will be acknowledged and referred to the remover within 10 working days, unless clarification on any issue is required. Once they receive notification, the remover has 10 working days to respond to the complaint.

Currently the average timeframe for completion of adjudications is less than 60 days. Some "highly complex" complaints may take longer than 60 days to complete, and occasionally will exceed 90 days.

Examples of "highly complex" complaints include the moving of grand pianos, grandfather clocks, snooker tables and complaints relating to vehicular access. You will be made aware at the outset of the process if your complaint has the potential to become "highly complex".

**RETURN OF DOCUMENTS**

You may request the return of any documents you have submitted provided you do so within 42 calendar days of the Ombudsman's determination. A stamped addressed envelope should accompany the request.

**CONFIDENTIALITY**

The parties involved in the dispute should use any documents solely for the purposes of the Ombudsman's investigation. Documents, and the information they contain, should not be disclosed to third parties without the Ombudsman's consent.

See RIOS Privacy statement on the website: [www.removalsombudsman.co.uk](http://www.removalsombudsman.co.uk)

**EVERY COMPLAINT IS CONSIDERED THOROUGHLY AND FAIRLY AND THE OMBUDSMAN'S DECISION IS BASED ENTIRELY ON THE MERITS OF THE CASE**

**TONY KAYE  
REMOVALS OMBUDSMAN**