

Independent Reviewer – Terms of Reference

Introduction

The Independent Reviewer (“the Reviewer”) plays a very important part in ensuring that CEDR is able to fulfil its obligations to customers and users of the dispute resolution services it provides and that it consistently acts in a fair, considerate and effective manner, complying with the service performance standards it has set and published for this purpose. The Reviewer is appointed by the Director of Dispute Resolution Services and publishes an annual report on complaints received.

Terms of Reference

1. The Reviewer may only consider user complaints about the performance of the Company’s staff and / or about customer service if they have not been resolved by our internal complaints review procedure. A complaint may be referred to the Reviewer by the complainant or a Director of the Company, who may not unreasonably refuse to make such a referral.
2. The Reviewer cannot consider any complaint, or element of a complaint, which relates to the performance of any Neutral* appointed by the Company to conduct or assist in the resolution of any dispute, or a complaint about any award, decision or determination made by such a Neutral; nor can the Reviewer make any decision which may change the effect of any such award, decision or determination. (Note: A Neutral is an arbitrator, mediator, adjudicator or other professionally qualified individual appointed by the Company to deal with a dispute)
3. The Reviewer cannot consider any complaint or issue arising from a contract or commercial transaction between the Company and any other organisation.
4. The Reviewer cannot consider any issue relating to a contract of employment between the Company and any individual. Also, the Reviewer cannot consider any complaint arising directly from any business or operational decisions made by the Company.
5. The Reviewer cannot consider complaints about, or challenges to, the content or validity of the policy, procedures or Scheme Rules of any of the consumer redress services the company provides, although they will be able to offer any suggestions for improvements they deem appropriate.

6. When a complaint is referred to the Reviewer for investigation, the Reviewer shall have access to all related files, computer records and persons relevant to the investigation, subject only to compliance with the provisions of the Data Protection Act 2018. The Reviewer shall have complete freedom to decide how to assess the complaint, but will normally be expected to report the outcomes and to produce a final recommendation / report within 30 working days of referral (please note that this timeframe may be exceeded in certain circumstances).
7. If the Reviewer decides that a complaint should be upheld then they may require that the Company make an apology, or take some other corrective action and / or pay appropriate compensation, or equivalent to that which a neutral would award against a firm in similar circumstances, for distress or inconvenience to the person or organisation making the complaint.
8. The Reviewer can consider cases if they are concerned that an identified administrative error or failing could have had an impact on the outcome of that case. At their discretion, the Reviewer can recommend action to rectify or address such matters.
9. Except where it contains an obvious error, which may be identified by either the complainant or the Company, the Reviewer's "Final Report" and any recommendations within it will be binding on the Company.
10. Subject to paragraph 9 above, there is no appeal against the Reviewer's "Final Report".