



Guidance Notes for Customers

CIGA Arbitration

About us

The Centre for Effective Dispute Resolution (CEDR) is a registered charity (1060369) which provides independent dispute resolution for resolving business to business (B2B) and business to consumer disputes (B2C). Each year CEDR receives applications for dispute resolution from consumers on up to 20,000 claims providing consumers with access to high quality, regulated, dispute resolution at little or no cost.

Industries

CEDR currently provides dispute resolution for consumer disputes in twelve industries:

Accountancy	Aviation	Communications	Funerals
Gambling & Gaming	Glass & Glazing	Healthcare	Holidays
Home Building	Post	Renewable Energy	Water & Sewerage

Regulation

Most consumer dispute resolution is regulated under the Alternative Dispute Resolution Regulations 2015 with each industry allocated to a regulator or competent authority. CEDR is approved and audited by:



We are also approved to provide dispute resolution or complaint review by:



Arbitration

Arbitration is a legal process carried out in line with the Arbitration Act 1996 by which a third party arbitrator determines the outcome of a dispute. The arbitrator has wide discretion to determine the way in which the case will run.

The legal status of arbitration

Once issued to the parties the arbitrator's award is legally binding on both sides and it cannot be easily appealed. Only the High Court of England and Wales can overturn an arbitrator's award for a very narrow number of procedural reasons and only within a very short time period after the award is published.

Arbitrators

The arbitrators assigned to CIGA cases are either engineers, lawyers or construction industry professionals. In order to qualify for the panel these professionals have all conducted professional arbitration training to the industry standard covering the law of obligations, the law of arbitration, arbitration practice and procedure and award writing. In addition each CEDR arbitrator is mentored by senior arbitrators and their work is subject to regular peer review by CEDR's Principal Adjudicator.

Assessing your claim

The arbitrator's role in CIGA Arbitration is to decide if the installer has breached the terms of your guarantee and if so they will order the installer and / or CIGA to arrange for remedial works to be carried out at your home. They may also order for a small payment to be made in recognition of inconvenience.

Frequently Asked Questions

Do I need a solicitor to represent me?

You do not need a solicitor but you can instruct a lawyer to submit your claim for you if you wish. However, you cannot claim any charges your solicitor may make for their services.

Will I be expected to attend a hearing?

No, there will not be a formal hearing as in a court. The entire process is usually conducted in writing. However, in exceptional circumstances a site view may be conducted, but only where both you and the installer agree to this.

Will I be able to speak to the arbitrator by telephone?

In order to maintain complete neutrality the arbitrator has no direct contact with either the consumer or the installer, except at any site visit that may be conducted. You can however always speak with our team of case managers who administer the cases and they will be able to give you guidance on how to use the service.

How much does it cost?

Consumers will only pay a nominal fee of £100 plus VAT for the arbitration which is lower than the cost of taking a claim to the Small Claims Court or Money Claim Online. If your claim is successful the arbitrator will order the installer to pay you back.

When can I apply?

You can apply to use the Service if you have been unable to resolve your dispute with the installer through their internal complaints procedure and after referring the matter to CIGA. Once you reach this point, CIGA will provide you with the application form for you to complete and send to us.

Please note that you must submit your application to us within 12 months of CIGA confirming to you that it could not resolve the matter.

How long will it take?

We must complete the arbitration process within 90 calendar days of accepting an application that falls within the scope of what we can consider, but in most cases the process takes approximately 65 calendar days.

How does it work?

Arbitration schemes operate under a set of rules which are publically available on the CEDR website. All applications must comply with the rules, and we will tell you if your application is not compliant, why that is the case, and what steps you need to take in order for us to accept your application.

What happens when you receive my application?

Once we receive your application we will check that it is valid and within our remit to handle under the rules. We will then send the application and the supporting evidence to the installer and / or CIGA and give them 15 working days in which to respond in writing to the claim.

Will I see the response and evidence that the trader submits about my claim?

Yes, we will send you a copy of their response and you will be given a period of time in which to submit further comments if you wish. However, you cannot raise any new claims at this point.

How long does the Arbitrator take to publish their award?

Typically speaking the arbitrator will publish their award within 15 working days of receiving all the case files. However, some cases may take longer if the matter is technically complicated.

What happens if I disagree with the award?

The award is legally binding under the Arbitration Act 1996 and cannot be overturned unless a court decides the award is a product of fraud, corruption or other serious misconduct by the arbitrator. Such court action is very rare and should not be attempted without legal advice and representation.

What if the installer and I decide to settle my complaint?

You and the installer can still settle the matter between yourselves at any time before the arbitrator's award is published. If you decide to try and settle, it is up to you to contact the installer directly and negotiate between yourselves.

How do I stop the arbitration if I agree a settlement with the installer?

If both parties agree to settle the dispute you must contact CEDR immediately in writing to halt the arbitration process. We will contact both parties to verify that the dispute has been settled.

Can I send copies of the award to consumer forums or publish it on a website?

Arbitration is a contractually confidential process between you and the installer. If you choose to publish a copy of the award in a public forum the installer may seek to take action against you for breach of contract.

What should I do if the installer fails to comply with an arbitrator's award?

If the installer does not perform the actions directed in the arbitrator's award within the specified timeframe you should contact us. We can provide you with guidance on how to enforce the award in the courts of England & Wales, Scotland or Northern Ireland. This is a relatively straightforward and quick process but we recommend you hire a lawyer to do it for you.

What should I do if I have any other questions?

Contact the CEDR office on 0207 520 3800 for more guidance.

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