

Information Sheet

The Carpet Foundation Consumer Code of Practice ADR Procedure

2) The Arbitration Process:

- If the Conciliation Service offered in the Carpet Foundation Consumer Code of Practice fails to persuade the parties to reach an agreed settlement of a complaint the consumer may refer the matter to the ADR Arbitration procedure.
- In cases where the consumer wishes to proceed with Arbitration the Retail member is required, under the terms of the Code of Practice, to agree to participate in the arbitration process.
- The Consumer and Retail member will need to sign a form agreeing to the Arbitration procedure and the fee of £25.00 + vat (consumer) and £55 + vat (retailer).

Any additional evidence from either party may be included with the Arbitration Agreement Form.
- The CF ADR official will carry out a site visit if necessary. In certain circumstances an independent sub-contractor may be used.
- The Code of Practice is concerned solely with the contract existing between the consumer and the retailer. The retailer must ensure that his suppliers will support him in the case of a complaint being identified as being the result of a manufacturing defect or performance shortcoming.

Application for Arbitration can be made either on paper or digitally, via post, email or phone. Arbitration normally only occurs if Conciliation has failed to find an acceptable solution to both parties.

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.

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

Before the ADR procedure can commence parties to a dispute they must have attempted to resolve their issue by following well established trade procedures. Only in the event of these procedures not working should ADR be commenced.

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 Arbitration 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.

We reach our conclusions via the terms laid out in our Code of Practice and by following latest Consumer Rights Legislation.

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

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

Parties to Arbitration 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.

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.

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

The parties have a minimum of 3 weeks to provide documentation and evidence to support their view of the dispute.

The Carpet Foundation will provide copies of all relevant information 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 parties before agreeing or following a proposed solution will be informed that:

- i) they have the choice as to whether or not to agree to, or follow the proposed solution;
- ii) participation in the procedure does not prevent the possibility of seeking redress through court proceedings;
- iii) the proposed solution may be different from the outcome determined by a court applying legal rules; and
- iv) the legal effect of agreeing to, or following the proposed solution.

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

Parties to the ADR procedure will be notified of the outcome in writing and if requested via email (including the reasons for arriving at the outcome)

Contact details for the Carpet Foundation are as follows:

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