

The NaCSBA Code of Practice

The Core Principles

A condition of NaCSBA membership is that all members marketing, selling or contracting with consumers agree to abide by the following core principles, which form the NaCSBA Code of Practice.

Consumers should see:

- Truthful adverts and marketing materials
- Clear, helpful and adequate pre-contractual information
- Clear, fair contracts
- That staff know about and meet the code
- That members have an effective internal complaints procedure
- If problems cannot be resolved that the company will enter an Alternative Dispute Resolution (ADR) process via NaCSBA or another provider

If a consumer has a dispute with a NaCSBA member which cannot be resolved directly between the parties then the consumer can ask that the NaCSBA Complaints Procedure is followed. Similarly, a member can propose to a consumer that the NaCSBA Complaints Procedure pathway is followed, but it is up to the consumer to accept/reject this.

NaCSBA has appointed The Centre for Effective Dispute Resolution (CEDR) to be an external Alternative Dispute Resolution (ADR) provider should disputes not be resolved at the initial stages of NaCSBA's complaints pathway. The cost of CEDR being involved in a dispute is, at the time of writing, £350. The consumer shall be liable to pay £50 towards this with the balance being split between NaCSBA and the member.

The NaCSBA Complaints Procedure and the CEDR involvement within it are both a process of conciliation and neither makes binding decisions or judgements.

NaCSBA Complaints Procedure

1. The process begins with a customer of a current NaCSBA member raising a complaint via email to GM@nacsba.org.uk. In the first instance, all complaints will be handled by the NaCSBA General Manager (GM) who will register the initial complaint and issue a standard questionnaire asking for details of, and the background to, the complaint. The questionnaire will be used to confirm that the complainant:
 - Has previously complained in writing directly to the member at least 14 days before lodging an official complaint with NaCSBA
 - Has not initiated legal action against the Member
 - Wishes the Member to rectify the complaint (NaCSBA cannot intervene if another company has already rectified the problem).
 - Is happy to complete the official Dispute Form

- Is content to contribute £50 towards the cost of the ADR process should it proceed
 - Agrees to return the completed NaCSBA Dispute Form within 28 days
2. The NaCSBA Complaints Procedure will be applicable to resolve the following complaints made by a consumer against a NaCSBA member:
- Failure of the supplier to deliver goods
 - Failure of the supplier to deliver services
 - Failure to deliver to an agreed level of quality (in that the merchant did not exercise all the reasonable skill, care and diligence to be expected of an appropriately qualified and competent supplier)
 - Failure to deliver goods or services within an agreed timescale
 - Supplier amending agreed prices without consultation or without the prior consent of the customer.

If the complaint has been raised against a company, or organisation, that is not an active NaCSBA member, or if the complaint is outside of the terms outlined in paragraphs 1 and 2 above, or if the complainant does not comply with the Questionnaire's requirements then the GM will send an e-mail to the complainant advising that further action will not be possible and, if possible, will direct to another agency that may be able to help (for example, Citizens' Advice).

3. The NaCSBA ADR process will only apply to Members that are not already signed-up to another ADR process via, for example, the Financial Conduct Authority and/or other regulators or trade associations. If the complaint is directed at a NaCSBA Member that has its own ADR procedure in place, then the default course of action is to point the complainant to that process as having higher jurisdiction.
4. If the GM is content that the complaint is valid and involves a current NaCSBA member then he will contact the Member in writing requesting that the Member tries to resolve the complaint within 28 days and informing the Member that if this is not achieved then the complaint will be forwarded to the NaCSBA Complaints Committee for consideration and potential action. If the Complainant is satisfied that the matter has reached a satisfactory conclusion, and notifies NaCSBA's GM in writing of this then the matter shall be considered closed and no further action shall be taken.
5. If the complaint is not resolved under paragraph 4 above then the GM will summarise the complaint and forward to the NaCSBA Complaints Committee for comment by e-mail within 7 days. The composition of the Complaints Committee for each specific case will be decided upon by the GM but will include any 3 from the following:
- Consumer Representative
 - Membership Representative
 - Suppliers Representative
 - Custom Build Representative
 - GM
 - Chairman

Other NaCSBA Board members may be co-opted as necessary depending on the nature of the complaint.

6. The Complaints Committee's role is to determine if there is a case to answer and this decision will be made within 14 days. If there is deemed not to be a case to answer the GM will reply to the complainant and the member accordingly.
7. If it is determined that there is a case to answer, then the GM will advise the member concerned instructing them that the matter is being passed to CEDR for conciliation. Note: If CEDR involvement is required, then both the NaCSBA Executive Committee and the NaCSBA Member will be reminded of their obligation to pay £150 towards the conciliation process by the GM.

CEDR Procedure

8. The CEDR procedure will be conducted in accordance with the CEDR Independent Conciliation Scheme for Consumers. www.cedr.com/consumer The steps of the procedure can be summarised as follows:
 - CEDR will acknowledge receipt of a new application for conciliation within 14 days of receipt.
 - The process begins on the date of the acknowledgment of a valid application from the complainant. At the same time the complainant's application form will be forwarded to the NaCSBA Member along with a Response Form, which they are required to complete and return to CEDR within 14 days.
 - Following receipt of the Response Form from the company, a copy will be sent to the complainant and CEDR will confirm the identity of the Conciliator within 7 days.
 - All the documents relating to the case that have been provided by the parties will be provided to the Conciliator who will endeavour to conclude the Conciliation within 28 days of their appointment.
 - The Conciliator will speak to the parties by telephone, Skype or communicate in writing (including email) with the parties, either together or individually, to request further information or to explore possible solutions.
 - If the parties do not reach a solution between themselves after discussions with the Conciliator, then they will suggest to the parties recommendations for settlement in writing.
 - If a solution is found or is accepted by the parties as proposed by the Conciliator, then the Conciliator will record that solution in writing and send it to the parties (via CEDR) in the form of an Outcome Statement (the Statement), for signature via an online portal. The parties must sign the Statement within 14 days of the date on which the Statement is provided. Any amendment to the Statement at this stage, other than for minor clerical errors, will be regarded as notifying a failure to agree.
 - If the Statement is signed by both parties within the timescale, CEDR will advise the parties accordingly and transmit a copy to both parties. At this point the agreement becomes a binding contract and the parties must then take action to comply with the agreed outcome.
 - No terms of settlement reached will be legally binding unless or until set out in writing in the Statement and signed by or on behalf of each of the Parties.

- If either party chooses not to sign the Statement within 14 days, it will have no effect on either party and CEDR will confirm the Conciliation has ended without resolution.
 - The date on which the Conciliation will be deemed to be concluded is the date of the letter from CEDR which confirms the process has ended.
 - Copies of agreed Statements will be provided to NaCSBA on a confidential basis for training and quality purposes.
 - The procedure may be amended by CEDR from time to time.
9. If the matter is not resolved by conciliation then the matter will be referred back to the NaCSBA Complaints Committee for a decision, based upon the information it has received. The Committee's decision may be one of the following:
- a. Dismiss the complaint as unresolvable by NaCSBA and take no further action.
 - b. If there have been a number of complaints, or if it is felt that the Member has acted in a manner that brings NaCSBA into disrepute, to propose the termination of the membership of the NaCSBA Member in question for ratification by the NaCSBA Board.

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