



# Consumer Home Improvements Dispute Service

A user guide

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Version 1, April 2024



# 1 Introduction

Taking matters to court can be very expensive and time consuming, not to mention stressful. There are a number of alternative ways to solve your dispute that don't involve going to court.

RICS has teamed up with Which? to provide dispute resolution services when disagreements arise between consumers and Which? Trusted Traders. The **Consumer Home Improvements Dispute Service** helps consumers and traders who disagree with each other and cannot resolve an issue but want to avoid taking the matter to court.

This procedure is for disputes about home improvement works on residential properties, where the value of the dispute is under £10,000.

Under this procedure, the disagreement (or dispute) between a consumer and a Which? Trusted Trader will be looked at by a professional from the construction sector. This professional will act as an adjudicator in the dispute. They will consider the evidence provided to them by the consumer and the trader and will reach an informed decision about the dispute, drawing upon their experience and expertise. They will then tell the parties the outcome of their dispute.

# 2 The Consumer Home Improvements Dispute Service

## 2.1 How is the dispute dealt with?

The service is based on adjudication, which is an alternative dispute resolution procedure designed to be quick and thorough. It is kept on track by clear deadlines set out in a clear timetable. An independent adjudicator will be appointed by RICS. The adjudicator will consider and decide the dispute within 35 working days from the day they are appointed.

## 2.2 Who is the adjudicator and what is their role?

The adjudicator will be a subject-matter expert with years of experience in the construction industry. The adjudicator's role is to make a decision on the issue that the parties are arguing about. Their decision will be based on the evidence presented to them by the parties, which they will weigh up by using their own specialist expertise and experience in the matter.

## 2.3 What types of disputes can be referred under this service?

The adjudication service is available where **all** of the following apply:

- There is a dispute between a Which? Trusted Trader and their customer (the consumer).
- The matters in dispute are concerned with construction, maintenance, repair and other building-related works carried out on residential properties.
- The issues in dispute are relatively straightforward, to the extent that they would not require significant time and resources to explore and resolve effectively.
- The consumer:
  - is seeking a remedy/resolution that has no monetary value, like an apology **or**
  - is claiming a sum of money that is £10,000 or less.



## 2.4 When can I apply?

A customer of a Which? Trusted Trader (the consumer) can only apply to use the adjudication service when Which? determines that it is appropriate to do so. This will be after the consumer has been advised by Which? about the adjudication process and has confirmed they understand it and agree to use it. Which? will issue the consumer with an authorisation number to confirm that the case can proceed to adjudication. This number should be entered on the consumer's application form to RICS when applying to use the service.

## 2.5 Could my application be rejected or delayed?

Which? may issue a hold on the application form for a number of reasons, such as:

- it is unclear what the consumer and trader are in dispute over
- the resolution sought cannot be provided by an adjudicator or
- the consumer is unable to supply their evidence documentation at the time of application or within five working days of the adjudicator being appointed.

## 2.6 Are there any options available other than adjudication?

A variety of options may be available to the consumer, depending on the nature of the dispute and the circumstances of the case. Which? will explore all options with the consumer to help them make an informed choice.

The RICS Consumer Home Improvements Dispute Service can only be used where Which? considers it appropriate. This will usually be after all other attempts to resolve the issue (which may include mediation) have been explored and exhausted. Which? will issue the consumer with an authorisation number to confirm that the case can proceed to adjudication. The consumer needs to include this authorisation number on their application form when they apply to use the adjudication service.



## 3 The application process

### 3.1 How do I apply for an adjudicator?

Once Which? has provided the consumer with an authorisation number, the consumer can ask RICS to appoint an adjudicator for them. To apply for the appointment of an adjudicator, the consumer must send the following documents to Which?.

- a A completed application form – this must include an authorisation reference number from Which?.
- b A brief summary of the dispute (maximum two pages) and the remedy being asked for (maximum one page). This will help RICS understand the issues and find the right adjudicator to deal with the case.

The consumer must also have their evidence ready to submit immediately to the adjudicator upon request. The adjudicator will ask to see this evidence, which must be provided to the adjudicator (and copied to the trader) within five working days. This should not be sent to RICS. The consumer's evidence should be a maximum of 25 pages and may consist of photos, documents, emails, a surveyor's report (if appropriate), etc. See section 3.6 for the requirements of the 25-page bundle.

**Please note:** the role of RICS is to appoint the adjudicator. RICS staff can answer questions about how the application and appointment processes work but cannot discuss the specifics of a case (including its merits, the arguments, evidence, nor how the adjudicator manages the process once appointed).

### 3.2 What should my brief summary include?

The consumer's summary document should set out clearly and concisely the following:

- **A description of the works/contract** – what was agreed between the consumer and the trader, or at least what the consumer believes had been agreed with the trader.
- **A description of the dispute** – what the consumer believes has gone wrong and what needs to be done/fixed.
- **The remedy that the consumer seeks from the adjudication process** – what the consumer wants in terms of an outcome, e.g. compensation, an apology or a specific performance, such as the trader returning to make good or the trader being required to pay for an alternative company to fix the issues.

### 3.2.1 How do I explain what has gone wrong and why I'm in dispute with the trader?

The consumer should briefly summarise the dispute by specifying:

- 1 what the problem is
- 2 what they've asked the trader to do about it and
- 3 what the trader's response has been.

Below are some examples:

- 'I have told the trader that I am entitled to compensation because the trader is in delay, but the trader has ignored my request or has refused to compensate me'.
- 'I have told the trader that the work (or part of the work) is substandard and needs be redone, but the trader has ignored my request or has refused to redo the work'.
- 'I have told the trader that the work is incomplete and that it either needs to be completed, or I need to be compensated for having to get someone else to finish it, but the trader has refused either to complete the work or to compensate me'.

### 3.3 What remedy can I ask the adjudicator for?

It is important that the consumer considers the result they are seeking from the adjudication process. Remember, there are always two sides to every story, and the adjudicator will carefully consider both the consumer's and trader's accounts before reaching a decision.

The consumer may want to think about asking the adjudicator for more than one potential outcome – the remedy that they really want and an alternative (a backup) in case their first request isn't granted or the trader refuses the request. For example, a consumer may write:

'I want the adjudicator to order the trader to come back and fix the defective works. In the event the trader refuses to come back and fix it, I want the adjudicator to award me compensation'.\*

The adjudicator will determine how the dispute will be settled. Some examples of requests consumers could make to the adjudicator include:

- 1 The trader being ordered to return and:
  - a redo substandard work
  - b complete outstanding work or
  - c both of the above.
- 2 Compensation\*
  - a for accepting substandard work
  - b to pay for another person to complete the outstanding or substandard work or
  - c to pay for another person to correct substandard work.

\*If the consumer wants the adjudicator to award compensation, the consumer **must specify**:

- the amount of compensation they are seeking (no more than £10,000) **and**
- how they arrived at that figure (evidence should be provided to support this).

Similar to a judge in a court, the adjudicator will not order one party to compensate the other for distress or inconvenience.

### 3.4 The application form asks me to list anyone who may have a conflict of interest. What does this mean?

It is a fundamental principle of justice that each of the parties is treated equally and fairly and that all parties perceive this to be the case. Adjudicators must therefore be impartial at the time of accepting a case and throughout the entire time they are working on it.

RICS needs to know the details of any professionals that have already been involved in the dispute between the parties – advisers, dispute resolvers, anyone instructed by either party. This is so that RICS does not inadvertently appoint an adjudicator that the other party might think is biased. For example, if the consumer has had a surveyor produce a report on the work completed, this surveyor could not then be appointed as the adjudicator. This would be a conflict of interest.

Any potential adjudicator approached by RICS will need to confirm to RICS that they are free from any conflicts of interest before RICS can appoint them.





### 3.5 What happens after I submit the application form?

After the consumer submits the completed application form, RICS will begin the process of appointing a suitable adjudicator.

RICS will send the trader a copy of the application form and the two-page summary. At the same time, RICS will let both parties know that they are moving forward with the application and that they will be in touch again to let them know who their adjudicator is.

An experienced RICS case-handling officer will use the information provided by the consumer (in the application form and the summary of the dispute) to approach an adjudicator to see if they can take the case on. The adjudicator will consider whether:

- 1 they have sufficient technical knowledge of the issue in dispute
- 2 whether there is a conflict of interest that might prevent them from accepting the case and
- 3 whether they are available to reach a decision within the time frame (35 working days from the date they are appointed).

Once a suitable adjudicator has been identified and they have confirmed that they can take the case on, RICS will notify the consumer and trader that an adjudicator has been appointed. The adjudicator will contact the parties and take them through the adjudication process. Detailed information on the adjudication process can be found in [RICS Consumer Home Improvements Dispute Service: Rules, Procedure and Timetable](#).

### 3.6 What should I send to the adjudicator as evidence?

Evidence submitted to the adjudicator by either party should include anything that they consider necessary to support their side of the story. It should only include information/documents that are directly relevant to the dispute and should be no longer than 25 pages.

The evidence needs to stand alone and make sense to someone who has no former knowledge of the matter. The evidence can be set out in any way the parties think is necessary; however, it is recommended that clear headings and tables be used where appropriate and chronological order wherever possible. Parties should ensure their evidence is legible.





Evidence may include:

- exchanges of emails/messages
- invoices/a summary of invoices
- receipts
- (for consumers only) photos or videos of alleged poor work/ materials with commentary on what the issues are.

In addition to the 25 pages, the consumer may include a copy of any formal written contract that they and the trader have signed.

**Remember:** as in all legal claims, the obligation of proving the case lies with the consumer, as they are the one making the claim. It is therefore the consumer's responsibility to provide the evidence necessary to prove their case to the adjudicator.

If the adjudicator doesn't understand what you are telling them, they may struggle to reach a decision, or the decision may not be one that you are happy with. Your summary and evidence should be clear enough for someone who doesn't know anything about the issue to understand. It could be helpful to ask a friend or family member to read through your documents to spot any unclear parts.

### 3.7 Can I submit 25 pages of evidence and say that other information is available upon request?

The parties should not assume that the adjudicator will contact them to ask for any information they may have omitted. The adjudicator will not be responsible for failing to consider evidence if that evidence was not submitted to them.

If the parties have additional information that is not directly relevant but which they believe may assist the adjudicator, they should advise that they have the information, what it concerns, why they believe the adjudicator may want to see it, and advise that it is available to the adjudicator if they wish to see it. For example, the consumer may write: 'I commissioned a survey of the work, the survey conclusion states that ... the full survey is available for the adjudicator upon request'.

### 3.8 Why am I limited to only 25 pages of evidence? What if I feel that 25 pages is not enough?

This service was designed to be simple to use and to result in a quick decision by the adjudicator. Both parties are given the opportunity to prove their case, but they must do so in a concise manner. The selection and identification of the best evidence is key to this. Should the adjudicator decide they need further information, they can request it.

### 3.9 What happens if my claim is more than £10,000?

This service has a claim threshold of £10,000, which is the same limit as a small claims action in court. However, the consumer can use the adjudication service in cases over £10,000 where the matter in dispute is straightforward and uncomplicated. The adjudicator will decide whether or not a case is appropriate to be dealt with under the adjudication service. The adjudicator will take into account how simple or complex the dispute is, and what is at stake (i.e. the value of the claim).

### 3.10 What happens if my case is too complicated for the adjudication service?

Even if the sum in dispute is less than £10,000 but the issues are very complex, this adjudication service may not be suitable. In this instance, the consumer and trader would be invited to use the RICS Adjudication Service for Residential Building Works instead. Please note that the RICS Adjudication Service for Residential Building Works is outside the scope of the Which? Trusted Trader scheme; therefore, parties would need to agree to finance this service themselves.

### 3.11 What happens if the trader doesn't want to participate?

If the consumer wants the process to go ahead but the trader refuses to properly engage, then the adjudicator could continue without them. The adjudicator will consider the evidence received and deliver a decision.

### 3.12 What happens if my trader is not covered by the Which? Trusted Trader service?

Consumers cannot use the Consumer Home Improvements Dispute Service in this instance. However, they can apply to use another RICS service, such as the:

- RICS Adjudication Service for Residential Building Works (for more information contact [drs@rics.org](mailto:drs@rics.org))
- [RICS Consumer Mediation Scheme](#)
- [RICS Adjudication Services](#).

### 3.13 Why do I have to copy all my documents/correspondence to the other party?

The adjudication process is based upon fairness and transparency. It is important that both the consumer and the trader understand the other side of the story and see the evidence that supports it.

Once the adjudication process starts, neither party should communicate or share information or documents with the adjudicator, RICS or Which? without also copying it to the other party.

### 3.14 Why do I only have five working days to submit evidence but the trader gets 10 working days?

As it is the consumer that starts the adjudication process by submitting an application to RICS, they have had time to prepare their case. The consumer is advised not to submit their application form without having their evidence ready to submit to the adjudicator.

The trader may not be aware that the consumer is considering using the adjudication service and may not have their evidence ready. This is why the trader is afforded a little extra time to gather their evidence.

### 3.15 How much does it cost?

The process is offered to the consumer at zero cost (excluding any adjudicator's travel costs if a site visit is agreed (see section 4.8 below)).



### 3.16 If I have employed an expert to assess and report on the condition of the works done, can I claim the costs of the report?

The adjudicator will assess this on a case-by-case basis. Any costs claimed by the consumer must be reasonable.

### 3.17 Is there a time limit for bringing my case to the Consumer Home Improvements Disputes Service?

The consumer must apply to RICS to use the adjudication service within six months of Which? agreeing that their case is suitable for adjudication and providing them with a reference number.

### 3.18 I go on holiday next week, can I still apply?

Provided the consumer meets the timescale for submitting their evidence to the adjudicator, there is no strong reason to suggest the consumer cannot apply before their holiday. However, given the short timescales and the possibility that the adjudicator may need to contact both parties or attend a site visit, RICS and Which? would encourage the consumer not to submit their application and evidence until they return from their holiday, when they will be available to commit their attention to the adjudication process.

If a trader is on holiday and unable to submit their evidence bundle within the 10 working days prescribed, the adjudicator may issue an extension of time to allow the trader to do so. However, the adjudicator must still endeavour to submit their decision within 35 working days of appointment.

# 4 During the adjudication process

## 4.1 How quick is the adjudication process?

The adjudication process is designed to be simple and quick. The adjudicator may adapt the procedure/timetable, including allowing extensions where there are reasonable grounds to do so and to accommodate the needs of the parties. However, the adjudicator must always aim to issue a decision no more than 35 working days after being appointed.

An outline of the typical procedure/timetable can be found in [RICS Consumer Home Improvements Dispute Service: Rules, Procedure and Timetable](#).

## 4.2 Do I need a solicitor to represent me?

This adjudication service is designed to be straightforward and accessible. Accordingly, it is anticipated that neither the consumer nor trader will need legal representation. However, if the parties feel they need advice or support from a solicitor, they should source this for themselves and will do so at their own cost.

## 4.3 What does a 'documents-only process' mean?

A 'documents-only process' means that, in normal circumstances, the adjudicator will decide the outcome of the dispute based only on the evidence provided to them by the consumer and trader. A site visit will not normally be needed and should only happen if both parties and the adjudicator agree that it is necessary. A site visit might be required for the adjudicator to examine relevant works or where the condition of the site, or something at the site, is in issue. There should be no need for a hearing or any formal meeting between the parties and the adjudicator.

## 4.4 Will the process always take 35 working days?

The adjudicator will aim to issue their decision to both parties within 10 working days of receiving the last submission from the parties, or no more than 35 working days after the adjudicator has been appointed.

## 4.5 What happens if 35 working days falls on a public holiday, e.g. Christmas?

As the timetable is designed around working days, any bank holiday or weekend will not be counted in this time.

## 4.6 Why am I not allowed to call the adjudicator to discuss my case?

The adjudicator must maintain their role as an impartial third party in the dispute between the consumer and trader. To do this, they must make sure all correspondence, including any direct contact via telephone or message, is shared with both parties. If one party has the opportunity to discuss the matter by phone with the adjudicator, the other party may reasonably perceive bias and the whole process could be unfair.

## 4.7 What if we decide to settle the dispute ourselves?

If the consumer and trader manage to settle the dispute themselves, they must let the adjudicator know as soon as possible. The adjudicator will stop the process and notify RICS, who will in turn notify Which?.

## 4.8 Will there be a site visit?

A site visit will not normally be needed and should only happen if both parties and the adjudicator agree that it is necessary for the adjudicator to examine relevant works, or where the condition of the site, or something at the site, is in issue.

If a site visit is required, both parties will equally share the adjudicator's reasonable travel expenses. These will be agreed with the adjudicator and paid by the parties to the adjudicator in advance.

## 4.9 Do I need to attend the site visit?

The consumer and trader should both attend any site visit together with the adjudicator. If either the consumer or trader (or their representative, if applicable) fails to attend, the adjudicator may, with permission of the consumer, continue to inspect the site and may ask the party present (or their representatives) to point out the issues in question. The adjudicator will not discuss the matter or any statements or arguments made in respect of the issues pointed out. Following a site visit with only one party present, the adjudicator will write to both parties briefly summarising their findings from the visit.



# 5 The role of the adjudicator

## 5.1 How is the adjudicator selected and how can I ensure they are impartial?

In order to select an appropriate adjudicator, an experienced case-handling officer from RICS will use the information provided by the consumer to approach potential adjudicators.

Using the application form and the summary, the potential adjudicator will decide if they are able to take on the appointment, have the necessary skills and knowledge of the disputed subject matter, are free from conflicts of interest and have the time available to reach a decision within 35 working days from the date they are appointed.

## 5.2 What will the adjudicator review/consider?

The Consumer Home Improvements Dispute Service is usually a documents-only process, which means that the adjudicator will base their decision on the evidence received combined with their own professional expertise. However, if the adjudicator feels they need additional information to make their decision, they will notify both parties.

## 5.3 Why can't the adjudicator make an inspection?

Adjudicators are not appointed to provide surveying services, such as an inspection report – they are there to adjudicate the facts presented to them. Their professional expertise and experience will help them to weigh up the evidence and decide whose case is most persuasive.

It is an adjudicator's role to conduct an 'evidence-led' process. It is important, therefore, that the parties present the adjudicator with evidence that is precise and relevant to the question the adjudicator is appointed to answer.

## 5.4 What can the adjudicator resolve?

The adjudicator's role is to first gain an understanding of what the dispute is about, and the outcome each party desires. This means that it is important that each side sets out their position clearly and concisely in their application and/or submission. The adjudicator, may nevertheless, ask either side questions to obtain clarification on any matter. In simple terms, the adjudicator wants to know:

- what the trader was supposed to have done
- what, if anything, went wrong and
- what the consumer wants to happen now.



The consumer may want the trader to return and make good some work that the consumer believes is not up to standard, or they may want the trader to pay for someone else to fix the problem.

The trader may argue that the work they have done is of a good standard and that the consumer is not entitled to anything further.

The adjudicator will assess the information provided by both the consumer and the trader. They will also ask questions and apply their expertise and knowledge to make a decision.

The adjudicator's decision will include an explanation as to how and why they have reached their conclusion. This will inform both the consumer and the trader and enable both sides to assess what may happen if the dispute continues and one of them takes the same matters decided by the adjudicator to a court of law.



## 6 After the adjudicator gives their decision

### 6.1 What is the legal effect of the adjudicator's decision?

An adjudicator's decision will be binding on the trader. This means that the trader has to comply with the decision or take the matter to court to try and have it overruled.

The adjudicator's decision will only be binding on the consumer if:

- the consumer agrees to accept the adjudicator's decision after it has been made
- the consumer fails to object to the adjudicator's decision within 20 working days or
- the consumer has been advised by a lawyer, surveyor or other professional about the adjudication process, and agrees before the adjudication begins to be bound by the outcome.

### 6.2 What happens if I don't agree with the adjudicator's decision?

If the consumer disagrees with the adjudicator's decision, they may wish to seek independent advice as to the recourse that is available to them. They may wish to object to the decision (they must do so within 20 working days of it being given to them by the adjudicator) or take the matter to court.

The trader is bound by the decision unless a court agrees otherwise.

### 6.3 What happens if the trader does not follow the adjudicator's decision?

If the trader does not comply with or follow the adjudicator's decision, the consumer can apply to the court for enforcement.

RICS cannot guarantee that the court will enforce a decision as a matter of course. The consumer will have to tell the court why the trader should comply. The adjudicator's reasoning may help inform the court's decision. You may wish to seek legal advice about the process of enforcing the adjudicator's decision.

## 7 What if I have a complaint?

Either the consumer or the trader may raise a complaint with RICS if they experience an issue with the adjudication process or the conduct of the adjudicator. Please see [RICS' customer complaints procedure](#) for further information.

## Delivering confidence

We are RICS. As a member-led chartered professional body working in the public interest, we uphold the highest technical and ethical standards.

We inspire professionalism, advance knowledge and support our members across global markets to make an effective contribution for the benefit of society. We independently regulate our members in the management of land, real estate, construction and infrastructure. Our work with others supports their professional practice and pioneers a natural and built environment that is sustainable, resilient and inclusive for all.

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