**National Conciliation Service**

The National Conciliation Service (NCS) is a Chartered Trading Standards Institute (CTSI) certified provider of Alternative Dispute Resolution (ADR) that specialises in *consumer* and *trader* (business) disputes within the automotive retail sector. The NCS is an independent company limited by guarantee and financed via a ring-fenced budget guaranteed by the Retail Motor Industry (RMI) and other subscribers to the scheme. This allows the NCS to provide independent ADR services to consumers free of charge or at low cost.

Unlike most ADR providers, NCS case-handlers are all independent highly competent individuals experienced in dealing with complaints specific to the retail motor sector. This enables the NCS to successfully resolve a majority of disputes without the need for the consumer to report to litigation

**What is ADR?**

Alternative Dispute Resolution (ADR) is a means of settling disputes without using court or tribunal systems. It involves lower costs, speedier processes and is, therefore, normally a more viable and accessible means of dispute resolution for consumers and traders. ADR is a practical way to settle disputes when parties cannot resolve an issue themselves, by involving independent, neutral third parties and covering various levels of informal and formal resolution.

The Department for Business, Energy & Industrial Strategy (BEIS) details the most common forms of ADR as:

**Mediation / Conciliation**

Where an independent third party helps the disputing parties to come to a mutually acceptable outcome.

**Arbitration**: Where an independent third party considers the facts and takes a decision that is often binding on one or *both* parties.

**What the NCS can do for you?**

NCS specialises in resolving disputes in the automotive sector and currently covers the largest range of disputes in this sector.

Dependent on the business you are in dispute with, the NCS can offer you *Conciliation/Mediation*, as well as more formal *Arbitration* for harder to resolve disputes.

**Who is involved in NCS processes?**

Normally, your dispute will be handled by one of the NCS’s *Independent Conciliators.* The Independent Conciliator assigned to your case will contact and liaise between both parties and attempt to reach a mutually agreed settlement to the dispute. If this is not possible and dependent on the actual process, the Conciliator may recommend a settlement, give independent non-binding opinion over the matter, or suggest a more formal way to resolve the dispute

The actual process will be explained before the case is assigned to a Conciliator, but usually the opinion/s or recommendation/s made by the Conciliator are non-binding on either party. If you are unhappy with the outcome and if both parties agree, the dispute could be referred to the NCS’s next level of resolution which is *Arbitration*, or you could of course pursue the dispute via the civil courts

**NCS Arbitration**

For disputes that cannot be resolved through the NCS’s *Conciliation* process and if appropriate, disputes may be brought before the NCS’s *Independent Panel of Arbitrators*. The process of Arbitrationis governed by statute *(The Arbitration Act 1996).* All NCS Arbitrators are highly experienced in dealing with disputes within the automotive industry, and all are members of *The Chartered Institute of Arbitrators* *(CIArb)*

Arbitration is normally *legally binding* upon *both* parties, but at this stage you will be informed prior to starting the process, if the decision made by the Arbitrator will be legally binding on the *trader* only or *both* parties, and the costs and rules of the Arbitration which needs to be agreed by both parties before the process of Arbitration can take place.

If the Arbitration process is *legally binding* on *both* parties, this would bring an end to the dispute and would mean that if you were unhappy with the findings of the Arbitrator you would be unable to pursue the matter via the civil courts. Therefore, if you are unsure if Arbitration is the correct process to finally settle your dispute, you should seek further independent advice before agreeing to it

**FAQs about the NCS**

**What types of dispute does the NCS deal with?**

The NCS is an ADR provider to the automotive retail industry and consumers.

The NCS most commonly handles cases related to:

* sale contracts of vehicles
* service and repairs contracts of vehicles
* used cars
* lost deposits

**How much will it cost me to use the NCS?**

A: It is normally **free** for consumers to use the NCS *Conciliation* process. If the dispute requires the use of *Arbitration*, fees will be applicable, but both parties would be advised of any fees in advance

**How quickly will my dispute be settled?**

A: As the NCS is a CTSI certified provider of ADR, an outcome to your dispute should be provided within 90 days of a case handler receiving the ‘complete’ file.

A complaint file is required by the case handler (Conciliator) to try to resolve the dispute and includes all relevant information detailing the dispute from both parties. (A case file is not ‘complete’ until the Conciliator has received all the information both parties intend to submit in support or defence of the matter)

**How can I file an initial complaint with the NCS or contact the organisation?**

You can file an initial complaint with the NCS via the following options:

**1. Website**

Our online complaint form entitled Case Reference Form (CRF) can be found on our website, [www.nationalconciliationservice.co.uk](http://www.nationalconciliationservice.co.uk) or via this direct link to the CRF ; <https://www.nationalconciliationservice.co.uk/media/1044/ncs-case-reference-form.pdf>

**2. Post**

You can also write to the NCS regarding your dispute;

**National Conciliation Service,**

**PO BOX 6562,**

**Rugby, CV21 9QP**

**3. Telephone: 01788 538318**

**Can the NCS refuse to take on my dispute?**

A: **Yes**, on occasion it may not be appropriate for the NCS to deal with your dispute. Common reasons for the NCS to refuse a dispute include, but are not limited to:

* You have not attempted to contact the trader to resolve the dispute prior to submitting your complaint with NCS.
* The dispute is being considered, or has been previously considered, by another ADR provider or by court.
* You have not submitted a complaint to the NCS within the required time period. (The complaint must be submitted within 12 months from the date upon which the trader has given notice to the customer that they are unable to resolve the complaint)
* Your dispute is too complex and better dealt with elsewhere, or if dealing with such a type of dispute would seriously impair the effective operation of the NCS

**My complaint is related to a vehicle loan or insurance. Can I still use the NCS?**

**No**, disputes relating to *financial services* must be handled by the Financial Ombudsman Service (FOS) s[www.financial-ombudsman.org.uk](http://www.financial-ombudsman.org.uk) Tel 0800 023 4567

**Helpful definitions**

**Consumer**: A consumer is person who purchases goods and services for personal use. The individual is acting for purposes wholly or mainly outside that individual’s trade, business, craft or profession.

**Trader**: A person acting for purposes relating to that person’s trade, business, craft or profession, whether acting personally or through another person acting in the trader’s name or on the trader’s behalf.

**Complete complaint file**: A complaint file is ‘complete’ once a case handler has received all the necessary information and documentation, he/she requires from the *consumer* and *trader* which may include additional expert opinions or other evidence that either party wish to submit in support or defence of the dispute.

**Sales contract**: A contract under which a trader transfers or agrees to transfer the ownership of goods to a consumer and the consumer pays or agrees to pay the price, including any contract that has both goods and service as its object. As described under the *Consumer Rights Act 2015*, as contract of sale of goods is a contract by which the seller transfers or agrees to transfer the property in goods to the buyer for a money consideration, called the price.

**Service contract**: A contract other than a sales contract, under which a trader supplies, or agrees to supply a service to a consumer and the consumer pays, or agrees to pay, the price.

**The National Conciliation Service** is approved by Government under the Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015



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