



**The Independent Appeals Service  
Alternative Dispute Resolution (ADR)  
Annual Activity Report 2016/2017**

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This report is pursuant to schedule 5 of The Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015. The figures herein relate to the period 1<sup>st</sup> October 2016 to 30<sup>th</sup> September 2017 inclusive (the ‘relevant period’).

**Foreword by the Lead Adjudicator, Bryn Holloway (Barrister)**

This is my second report as the Lead Adjudicator of the Independent Appeals Service (IAS), a service which provides motorists with truly independent redress in matters concerning the issue of a private parking charge, and usually at no cost at all to them.

The IAS operates two separate types of appeal, the Standard Appeal process and the Non-Standard Appeal process. In every case where the Non-Standard service is made available to the consumer, they have already had the opportunity to use a free service but have failed to avail themselves of it. The vast majority of disputes considered during the relevant period were under the Standard service and were therefore completely free to the consumer.

The Appeals are adjudicated on by qualified and practising solicitors and barristers who are wholly independent. The Appeals process is provided to all parties electronically and is a simple, straight forward and intuitive system that is easy to follow. For those who are unable to use the online facility for whatever reason, the IAS also offers the ability for engagement using conventional postal correspondence.

It is an important feature of ADR accreditation that organisations are kept under close scrutiny by the Chartered Trading Standards Institute and subjected to rigorous annual audits. I am pleased to say that the first IAS audit in September 2016 provided almost a clean bill-of-health with only four minor issues identified which were quickly resolved and a recommendation that the IAS continue to be an approved body.

A commitment to continuous improvement must be a prerequisite for any service that seeks to provide truly independent redress for consumers. While the IAS has continued to grow since the 2015/2016 report, it is significant that we have also taken every opportunity to ensure the service evolves and develops to provide the best possible service to the Consumer. One example involved a growing concern that motorists were being unduly penalised for the most trivial of mistakes when entering their vehicle registration numbers as they are registering for parking.

Of course, it is incumbent upon the motorist to take reasonable care in entering their details, and when they fail to do so properly very often a charge may be justified. However, where the mistake is so trivial that even someone applying their full attention might not realise - such as entering a ‘O’ instead of a ‘O’ or a ‘1’ instead of an ‘I’ - then it is, in my view, unfair to enforce a charge.

As a consequence, I released guidance to all the adjudicators that they should have regard to the nature and extent of such mistakes in determining whether a charge is lawful. I am pleased to say that, since issuing the guidance, there has been a visible reduction in the amount of cases where operators pursue such parking charges and far fewer (justifiably) frustrated motorists as a result.

Another improvement involved removing the limit on the amount of representations each party can make in an appeal. Whereas the motorist used to only get one opportunity to provide their

comments and evidence, now each party can respond indefinitely until one of them has nothing more to add. Whilst this has naturally increased the average number of days taken to resolve appeals it is, of course, a change for the better.

I will continue to monitor the effectiveness and convenience of the service to ensure the IAS delivers continuous service improvement over the coming year and consolidates its position as the flagship standard for the industry - providing fairness, impartiality and cost-effective redress for the industry and consumers.

**A) The number of domestic disputes and cross-border disputes the ADR entity has received.**  
17,454 disputes were received during the relevant period, all of which related to domestic disputes.

**B) The types of complaints to which the domestic disputes and cross-border disputes relate.**  
All disputes dealt with related to the lawfulness or otherwise of the issue of a parking charge on private land and the liability of the Consumer to pay the same.

**C) A description of any systematic or significant problems that occur frequently and lead to disputes between consumers and traders of which the ADR entity has become aware due to its operations as an ADR entity.**

An issue was identified concerning trivial and wholly innocent typographical errors being made by motorists when entering their registration details into parking kiosks who were then being issued with parking charges.

**D) Any recommendations the ADR entity may have as to how the problems referred to in paragraph (c) could be avoided or resolved in future, in order to raise traders' standards and to facilitate the exchange of information and best practices.**

The issue referred to above was resolved by providing guidance to all adjudicators, encouraging them to find in favour of the motorist in appropriate cases where the mistake is so trivial that it would be unfair to uphold a parking charge. This has led to a significant reduction in this type of case reaching adjudication.

**E) The number of disputes which the ADR entity has refused to deal with, and percentage share of the grounds set out in paragraph 13 of Schedule 3 on which the ADR entity has declined to consider such disputes.**

No complaints were declined to be considered during the relevant period.

**F) The percentage of alternative dispute resolution procedures which were discontinued for operational reasons and, if known, the reasons for the discontinuation.**

2,963 disputes (17%) were discontinued by traders during the relevant period resulting in a positive outcome for the Consumer. The reasons for discontinuation are not known.

**G) The average time taken to resolve domestic disputes and cross-border disputes.**

The average time taken to settle disputes during the relevant period was 22 days (says 18 in Bi-annual report – might be worth restating the reason for the difference? e.g. no limit on number of representations?)

**H) The rate of compliance, if known, with the outcomes of the alternative dispute resolution procedures.**

It is not known how many consumers complied with the outcomes of disputes during the relevant period. There are, however, no reports of any Trader failing to comply with the outcomes.

**I) The co-operation, if any, of the ADR entity within any network of ADR entities which facilitates the resolution of cross-border disputes.**

The IAS is not part of any network of ADR entities.