



RESPONDING TO THE OMBUDSMAN A GUIDE FOR REMOVAL COMPANIES

By the time a dispute reaches the office of the Ombudsman, you will probably feel under considerable pressure. You may have had a difficult removal; you have had to deal with a dissatisfied client, and then with your National Guild of Removers and Storers conciliation service.

The Ombudsman's investigation provides you with another opportunity to settle the dispute, and the following guidance notes should enable you to put forward your side of the case in the best possible light.

It is your opportunity to demonstrate your co-operation with the Removals Industry Ombudsman Scheme, and your professionalism as a removal company.

THE PROCEDURE

- When a complaint is referred to the Ombudsman, she will obtain all the documents held by the NGRS relating to the dispute.
- The claimant will have completed a 'Complaint Form' and may have submitted additional substantiation or new statements.
- A copy of this Complaint Form, together with any relevant or new information, will be sent to you.
- You will be given 30 calendar days in which to tell the Ombudsman either that you do not oppose the complaint, or that you wish to challenge the allegations and to put your case in writing to her.
- The response you make will be sent to the claimant.
- If you fail to respond with a reply of substance within that time, or any extension period granted by the Ombudsman, the Ombudsman will make a Determination.
- The Ombudsman requires all evidence to be in writing, though clarification of issues may be sought by phone or email. There is no facility for oral hearings.

DEFENDING YOUR POSITION

If you choose to defend your position you may ask for more details about the complaint. Also, any notes you made at the time of the removal could be useful, as could any records of conversations with your office before, during or after the removal, provided they are dated, and the author is known.

If the Ombudsman is not satisfied with the information or documents received from either party she may seek clarification. The Ombudsman cannot subpoena evidence, but under the Scheme can require either or both parties to produce documents for inspection and can appoint an outside expert to report on specific issues.

Neither the NGRS conciliation service, nor the intervention of the Ombudsman, prevents you or the claimant from taking legal action. If you decide to do so while the investigation is underway you should inform the Ombudsman at once. The Ombudsman cannot continue with an investigation if either party institutes legal proceedings.

THE DETERMINATION

Once the Ombudsman has made a detailed, written Determination a copy is sent to each party, the NGRS and the Removals Industry Ombudsman Scheme. You should confirm its receipt by email or telephone immediately.

The Ombudsman's decision is final and binding on both parties as far as the Removals Industry Ombudsman Scheme is concerned.

AWARDS

The Ombudsman does not always make an Award of compensation but can do so when satisfied that loss or damage has been incurred; significant and avoidable inconvenience and/or stress has been caused (over and above that inherent in the activity of a removal); the removal company has behaved or performed inadequately or unprofessionally.

If the Ombudsman does make an award of compensation you are obliged to make the payment direct to the claimant within 14 calendar days of receipt of the Determination. By accepting it the claimant acknowledges that it is in full and final settlement of the claim.

Any Award will aim to place the claimant in the position they were in before the action complained of; it is not intended to be punitive, nor will it attempt to substitute for a claim against insurance. The size of the removal/storage fee will not determine the amount of compensation awarded.

Non-compliance with an Award made by the Ombudsman, or any undue delay in carrying it out, will be referred formally to the National Guild of Removers and Storers whose terms of membership require its members to abide by the Ombudsman's decisions.

**EVERY COMPLAINT IS CONSIDERED THOROUGHLY AND FAIRLY AND THE OMBUDSMAN'S
DECISION IS BASED ENTIRELY ON THE MERITS OF THE CASE**

**MATTI ALDERSON
OMBUDSMAN**