



## **SUBMITTING A CASE TO THE OMBUDSMAN**

**THESE NOTES WILL HELP YOU TO COMPOSE YOUR COMPLAINT**

**THE REMOVALS OMBUDSMAN DEALS WITH COMPLAINTS AGAINST MEMBERS OF THE NATIONAL GUILD OF REMOVERS AND STORERS (NGRS) AND REQUIRES ALL FORMAL EVIDENCE TO BE IN WRITING**

### **CHECKLIST**

(YOU SHOULD BE ABLE TO TICK ALL OF THE FOLLOWING BOXES)

- You have read this Guide ( )
- The removal/storage company is a member of the NGRS and you have completed the Guild's conciliation service ( )
- You are within the time limit of one month from receiving the the Guild's letter referring you to the Ombudsman ( )
- NGRS members agree to abide by the Ombudsman's Determination. You also agree that the Ombudsman's decision denotes full and final settlement of the dispute ( )
- You have completed, signed and returned to the Ombudsman 'Your Complaint' form. You should attach any relevant documents such as a chronological outline of the main events/photographs/statements from independent witnesses. ( )
- You give permission for the NGRS to pass all relevant material to the Ombudsman (you have ticked the box on the form 'Your Complaint') ( )

## **CRITERIA THE OMBUDSMAN WILL USE**

The Ombudsman will take account of what you, as a consumer, should reasonably expect when using a removal or storage service.

For example, you would expect your removal or storage to be carried out with care and skill; to a professional standard; within a reasonable time; and with the use of reliable and appropriate materials and equipment.

There are some aspects of your arrangements and contract that fall outside the remit of the Ombudsman:

- any matter concerning insurance
- if you have agreed on a price for removal/storage based on a quotation that is legally binding on both parties this cannot subsequently be disputed

You should also bear in mind that in a dispute:

- it may be appropriate for you to pay the full price 'Without Prejudice' while the Ombudsman considers your case
- the Ombudsman will take account of any advantage you gain by not paying the account on time, and may reflect this in any subsequent Award
- any compensation/money offered to you by the remover/storer up to the point of pursuing your complaint automatically lapses

The Ombudsman will evaluate all the circumstances of your complaint objectively, including examining the contract you signed with the removal company; their terms and conditions of business; the NGRS Code of Practice, and will weigh your experience against all of these factors.

If the Ombudsman decides in your favour, any redress awarded to you will aim to be reasonable and to restore you to the position you were in before the action complained of: the Award will not be punitive, nor will it attempt to substitute for a claim against insurance.

Neither the NGRS conciliation service, nor the intervention of the Ombudsman, prevents you or the removal/storage company 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.

## **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

The size of the removal/storage fee will not determine the amount of compensation awarded. In assessing compensation, the Ombudsman takes account of any contributory liability that might reasonably be attributed to any parties to the complaint and to events outside the control of the complainant/remover/storer.

## **THE COMPLAINT PROCEDURE**

When you submit the form 'Your Complaint' the Ombudsman will review your case. If it is pursued, a copy of the Complaint Form and any relevant statements or evidence you have sent to the Ombudsman will be copied to the removal/storage company.

The company will be asked to respond within 30 calendar days: the Ombudsman recognizes that many removal/storage companies are very small businesses and should be given this time to reply. However, if they fail to respond within that time the Ombudsman will make a Determination. Formal evidence must be in writing, but clarification of issues may be sought or given by phone or email.

Any statements received from the remover/storer will be conveyed back to you and both parties will have an opportunity to make further comments.

The Ombudsman may undertake independent investigations and can elect to seek expert advice.

## **RESOLUTION**

### ***DETERMINATION AND COMPENSATION:***

The Ombudsman will conclude the investigation with a Determination, a draft of which will be given to each of the parties directly involved in advance. The final adjudication will then be sent to the claimant, the removal/storage company, the NGRS and the Removals Industry Ombudsman Scheme.

If the complaint is upheld an Award of compensation may be ordered for loss, damage or inconvenience or undue distress. If an Award is made in favour of the claimant, a date will be set by which the remover/storer must make payment. The Ombudsman may also decide that, irrespective of fault, no Award is warranted.

### ***REVIEW:***

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

### ***REJECTION OF THE OMBUDSMAN'S DECISION:***

If you are not satisfied with the Ombudsman's decision you may seek redress elsewhere, for example in court. In rejecting the Ombudsman's decision you will have forfeited your right to any Award the Ombudsman may have made in your favour.

### ***CLAIMANT'S WITHDRAWAL:***

You may withdraw your complaint by informing the Ombudsman in a signed and dated letter at any point before the date of the Ombudsman's Determination.

## **RETURN OF DOCUMENTS**

You may request the return of any documents you have submitted provided you do so within 42 days of the Ombudsman's Determination. A stamped envelope should accompany the request.

## **CONFIDENTIALITY**

The parties involved in the dispute should use any documents solely for the purposes of the Ombudsman's investigation. Documents, and the information they contain, should not be disclosed to third parties without the Ombudsman's consent.

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

**MATTI ALDERSON  
OMBUDSMAN**