

RESOLVING DISPUTES

WITHOUT GOING TO COURT



RESOLVING DISPUTES

WITHOUT GOING TO COURT

RESOLVING DISPUTES

WITHOUT GOING TO COURT

Going to court to solve a problem can be expensive, stressful, and time-consuming. But there are other ways of dealing with many types of complaint. This booklet explains how they work and when you can use them.

This booklet gives an overview of various ways of dealing with problems without going to court and gives names and addresses of various bodies which offer ways of resolving disputes and from whom you can get further information. The booklet does not claim to be a comprehensive guide and does not constitute an endorsement by Scottish Executive Justice Department of the schemes included.

Language translations and alternative formats, including Braille, audio tape and large print of this publication, are available on request. Please contact 0131 556 8400.

Scottish Executive Justice Department
St Andrew's House
Regent Road
Edinburgh
EH1 3DG

© Crown copyright 2005

ISBN: 0-7559-4355-4

Scottish Executive
St Andrew's House
Edinburgh
EH1 3DG

Produced for the Scottish Executive by Astron B37730 1/05

Published by the Scottish Executive, January, 2005

Further copies are available from
Blackwell's Bookshop
53 South Bridge
Edinburgh
EH1 1YS

The text pages of this document are printed on recycled paper and are 100% recyclable.

CONTENTS

	Page
SECTION 1 Introduction	2
SECTION 2 Direct Negotiation	10
SECTION 3 Mediation and Conciliation	14
SECTION 4 Arbitration	18
SECTION 5 Ombudsmen and Regulators	20
SECTION 6 Expert Determination and Neutral Evaluation	24
SECTION 7 Dispute Resolution Services	25
SECTION 8 Other Sources of Help	28

INTRODUCTION

WHAT IS THIS BOOKLET ABOUT?

Going to court or a tribunal (often called 'litigation') to solve a problem can be expensive and off-putting. But there are other options. This booklet tells you what they are, how they work, and where you can get further information.

There are many alternative ways of sorting out complaints and legal problems. Together they are often called 'alternative dispute resolution' (ADR) and include things like mediation, ombudsmen schemes and arbitration. With most types of problem, courts encourage people to try these sorts of schemes first before they resort to litigation.

This booklet mainly covers schemes and organisations in Scotland although it does give details of some organisations which cover the whole of the United Kingdom. A similar leaflet is produced by the Community Legal Service in association with Advice Services Alliance, covering England and Wales: we are grateful for permission to reproduce portions of that leaflet.

WHO IS THIS BOOKLET FOR?

Anyone who wishes help or advice on resolving a complaint or legal problem.

WHY USE AN ALTERNATIVE DISPUTE RESOLUTION SCHEME INSTEAD OF GOING TO COURT?

Alternative dispute resolution schemes are not meant to replace the courts in all cases. But they can have advantages over going to court. The advantages include:

- being more flexible;
- solving your problem faster;

- being less stressful; and
- costing you less money.

If you have a problem with a person or organisation you deal with regularly (a neighbour, for example) alternative dispute resolution can mean a better, longer-lasting solution to your problem.

You can also use alternative dispute resolution schemes as well as going to court or a tribunal. For example, mediation can help narrow down the issues that divided people, and make it easier for you to reach an agreement or for a sheriff or judge to make a decision. Remember that either side in a disagreement can suggest using an alternative dispute resolution scheme to solve your problem.

DO I NEED A SOLICITOR TO USE ALTERNATIVE DISPUTE RESOLUTION?

Just as you would seek advice when going to court, you should, in most cases, seek advice when choosing an alternative dispute resolution method and when reaching agreements. Advice can also be useful when you are writing a complaint letter or using a formal complaints procedure.

You can get independent advice from a number of sources, for example:

- Citizens Advice Bureau;
- Legal Services Agency;
- local authority;
- housing advice centre;
- local Law Centre; or
- solicitor.

See 'Other Sources of Help' at the back of this booklet for details of other organisations that can offer advice.

SECTION 1

HOW DO I DECIDE WHETHER TO USE ALTERNATIVE DISPUTE RESOLUTION?

How you choose to solve your problem depends on:

- the result you want;
- how important it is to you;
- what you can expect to achieve;
- how you want to go about solving your problem;
- how willing the other side is to try and solve the problem; and
- how quickly you need to sort it out.

THE RESULT YOU WANT

You can get different things from going to court than from alternative dispute resolution. By going to court, you might get:

- an order that something be done or stopped;
- compensation; or
- a judgement from the court about who is right and who is wrong.

By using an alternative dispute resolution, you might get:

- a change in the way a person or organisation behaves;
- a promise that a person or company won't do something;
- getting something you own fixed;
- getting something you own replaced;
- an apology;
- an explanation for what happened to you;
- a mistake corrected;
- money which is owed to you; or
- compensation (for example, for an injury).

WHAT YOU CAN EXPECT TO ACHIEVE

What you want to achieve may not be possible for your particular problem, and it's important to know this before starting out. For example, you might want to use mediation to get a full explanation of what went wrong. But if the other side isn't willing to take part in mediation, this won't be possible.

Another important factor is identifying who the other side is – who is responsible for what happened. In some cases this is straightforward, but in others (some consumer disagreements, for example), it can be difficult to identify not just the person who gave you the service or made the decision, but who is legally responsible.

In cases of discrimination at work, for example, employers are often responsible for what their employees do. In the case of a complaint about neighbour nuisance the neighbour or the landlord might be the right person to approach. If you are not sure who is responsible, an advisor from one of the organisations listed at the back of this booklet should be able to help you.

You will need to find out if the alternative dispute resolution service can produce the result you want. For example, if you have been injured during medical treatment and your main priority is to get compensation, you are unlikely to get that through the NHS complaints procedure or the Scottish Public Services Ombudsman. But if you feel it is most important to bring the problem to people's attention, so that the same thing doesn't happen to someone else, you will most likely get this by using the Ombudsman.

HOW TO GO ABOUT SOLVING YOUR PROBLEM

No single form of dispute resolution can give you everything you want. The result is only one thing to think about – how the problem is resolved can be just as important. Things to think about include:

- what it will take to get your problem sorted out;
- how much it will cost;
- how it will affect your life, including your family and your work; and
- how much time you can spend on it.

SECTION 1

For example, you might feel it is important to be able to have a hearing or meeting where you can state your case in person. Mediation can usually offer this. Or you might feel that you don't want to go to a hearing but would rather have the matter dealt with on paper (a 'documents only' process).

When thinking about your options, remember to take into account your own costs and expenses, such as travel, childcare and time off work.

HOW QUICKLY YOU WANT YOUR PROBLEM SOLVED

The time it takes to use an alternative dispute resolution process can be a major factor. Some matters are extremely urgent and important and going to court is the only safe option (for example, if you are in danger of losing your home). You can, however, follow up court action with another process to deal with other areas of a problem.

OTHER THINGS TO THINK ABOUT

Remember that some methods have to be the last thing you try, not the first. This is because those methods are 'binding' (which means that both sides, or sometimes just one side, must do what they are told to or agree to). If you use a binding method, you can't go on and use a different method if you are not happy with the result. Also, in some cases, you can't use two methods at the same time. For example, you cannot take your problem to court and to an ombudsman at the same time.

Remember that for some types of problem there is a time limit for taking a case to court or to another dispute resolution process. So if you are using one process, you need to be sure that it will not put you beyond the time limit for taking your case elsewhere if you need to.

HOW DO ALTERNATIVE DISPUTE RESOLUTION SCHEMES WORK?

There are many different types of alternative dispute resolution scheme. The one (or ones) you choose to use will depend on:

- how you want your problem dealt with; and
- what sort of problem you have. (Not all methods are available for all kinds of problems.)

There are explanations of how different types of scheme work in the following sections. Details of the main dispute resolution services are given in the section on 'Dispute Resolution Services'.

HOW MUCH DOES ALTERNATIVE DISPUTE RESOLUTION COST?

When working out how much it will cost to deal with a problem, you need to take into account:

- fees or charges for the alternative dispute resolution service (if it is not free);
- your own expenses, including things like travel and photocopying;
- the cost of legal help and advice; and
- the risk of you not getting what you want.

For example, you need to know if you will be responsible for paying the other side's legal fees and other expenses if you lose. And you need to know if you can expect to get your costs and expenses paid if you win. The principle that applies in UK courts is generally that the 'loser' pays the other side's expenses as well as their own. However, in alternative dispute resolution, the general principle is that each side pays their own expenses.

SECTION 1

Mediation costs can vary, depending on the type of mediation. For example:

- community mediation is usually free to local residents;
- child-focused mediation is available free of charge, although contributions towards the cost are welcomed. Mediation on finance and property issues may involve a charge for these services. Some services have a scale of fees, so what you pay depends on how much money you have. You may be able to get help with some of the costs of family mediation through Legal Aid; and
- commercial mediation providers make a charge depending on the complexity and value of the claim.

Sometimes, the organisation you are complaining about might pay all the costs because they are the financially-stronger side. Most consumer arbitration schemes run by the Chartered Institute of Arbitrators cost between £10 and £100, but some are free. And if you win your case, you will get back any fee you have paid. Ombudsmen services are free but the organisation you are complaining about may have to pay a fee to be a member of the ombudsman scheme.

Expenses

You may have to pay for travel expenses, childcare costs, and time off work if you have to go to a hearing. Photocopying evidence can be expensive, so don't forget this cost if you are using a process such as arbitration that relies on you providing many documents.

Ombudsman schemes tend to be the least expensive to use. Community mediation doesn't cost much either. It usually involves face-to-face meetings, so you may have to pay travel and other expenses, but you may be able to get these back as part of a mediated agreement if both sides agree to this.

CAN I GET HELP WITH THE COSTS?

Mediation

If you are in receipt of, or are eligible to receive advice and assistance or civil legal aid, then depending on your circumstances all or part of the costs of mediation in family and non-family cases may be met for you. This will apply only to your own share of the total mediation fee, and not any share to be borne by an opponent or opponents.

'Family cases' are actions involving husband and wife or, in cases relating to children, the parents of these children. Mediation is available both from Family Mediation Scotland and from accredited solicitors who are members of CALM (Comprehensive Accredited Lawyer Mediators)

In 'non-family cases' there is no restriction on the type of case that can be considered suitable for mediation. In such cases, requests for mediation involving mediators accredited by the Association of Mediators, the Centre for Dispute Resolution or the Law Society of Scotland will normally only be considered. However, other accredited specialists can be considered.

It is normally expected that parties will enter into a legally binding agreement at the conclusion of the mediation.

Arbitration

The costs of arbitration may be met by legal aid only where there has been a referral by the court to arbitration in proceedings for which the person seeking cover for those costs is in receipt of legal aid.

DIRECT NEGOTIATION

There are several ways to make it more likely that you and whoever you are in dispute with can sort things out – and some that will probably make matters worse. This section sets out some ‘do’s and don’ts’ that you may find helpful to read through and think about before speaking to or writing to the other side.

THINK ABOUT WHAT YOU WANT TO SAY

- be clear in your mind about what the problem is, how it affects you and what you want;
- talk to someone who is not involved, for example the Citizens Advice Bureau or a solicitor; and
- decide whether it would be better to talk face to face or to write a letter. If you decide to talk face to face, you may find it helpful to write down what you want to say to help you order your thoughts and make sure you cover all the points you want to make.

IF YOUR DISPUTE IS WITH A NEIGHBOUR

- talk to them face to face. This is much better than pushing notes through the door or banging on the wall;
- try to choose a good time to make the first approach, when neither you nor your neighbour are busy; and
- arrange a suitable time and place, free as far as possible from distractions, so that you can talk about the problem properly.

Speaking Face to Face

- be calm and friendly. Say you are glad you have got together to sort things out;
- tell your neighbour what the problem is, how you feel and how it affects you. Try not to blame your neighbour; for example,

rather than saying 'You're very inconsiderate with your loud TV, keeping me awake all night', say 'When I hear your TV after 11.30 p.m., I can't get to sleep'; and

- listen to what your neighbour has to say in return; they will have a point of view, though you may not agree with it. By listening as well as talking, you create a good atmosphere. Problems are often solved when people feel they have been listened to.

Trying to Solve the Problem

- look for common ground (even agreeing to differ is a start!);
- make sure that you bring all the issues into the open, starting with the easier ones first;
- be open to your neighbour's suggestions (two heads are better than one!);
- try to find a co-operative solution in which both you and your neighbour participate;
- look at all the options before picking the best one for you both; and
- if you are unable to talk things through amicably with your neighbour, you may wish to try a community mediation service (see section 3);

When You Reach Agreement

- make sure you know who has agreed to do what and by when;
- it may be a good idea to write it down, and for both of you to sign it and keep a copy;
- decide if you want the agreement to be legally binding, and if you do, write it into the agreement; and
- agree a date to check how your agreement is working out;
- agree how you should let each other know about any future problems.

SECTION 2

Don't

- interrupt, shout or verbally abuse;
- assume others have the same values that you have;
- imagine your neighbours know what is bothering you if you have never told them;
- retaliate – this will make things worse and put you in the wrong;
- argue about who did what – concentrate on what you want to happen in the future;
- bring up things which have nothing to do with the present problem; and
- agree to solutions you think are unfair, just for a quiet life.

NB – These tips assume there is no threatening behaviour or danger of physical violence – if there is, you should go to the police.

IF YOUR DISPUTE IS WITH A COMPANY OR ORGANISATION

- decide whether you are going to phone or write. You may need to phone first or check a web site to find out whom to complain to. Unless you need something removed or repaired urgently, it is usually best to write a letter of complaint, particularly if your problem has been going on for some time. Remember to keep a copy of all correspondence;
- say what the problem is, how you feel and how it affects you;
- give the details needed to check your complaint – your name, address, reference number, any relevant dates, times, places. This is especially important if writing to a company or organisation that deals with large numbers of customers – it will help them to trace any relevant paperwork and check your story more quickly;

- be polite, concise and firm – remember that the person dealing with your call or letter is unlikely to be the person responsible for causing your problem; and
- say what you want to happen next.

ADVANTAGES OF DIRECT NEGOTIATION

- you may be able to sort the dispute out quickly at a time and place convenient to you;
- you may save yourself the expense of involving a third party;
- you may get an explanation and an apology; and
- you may be able to prevent the problem happening again.

DISADVANTAGES OF DIRECT NEGOTIATION

- you may make the problem worse if you lose your temper; and
- it may take some time to write down what you want to say and for letters to be written in reply to yours.

WHAT IF DIRECT NEGOTIATION DOESN'T WORK?

If you do not get any satisfaction by complaining in writing to a company or organisation, tell them. They will then deal with your complaint at a higher level.

If you still don't get any satisfaction, find out whether the company or organisation is a member of a trade association arbitration scheme or is covered by an ombudsman scheme or by a regulator (see section 7).

MEDIATION AND CONCILIATION

These involve an independent mediator (someone who doesn't take sides, but whose job is to help you and the other person or company find a solution to the problem). You and your opponent, not the mediator, decide what will happen and the terms of any agreement you make. The process is voluntary, so you cannot force the person or organisation you have a problem with to take part.

Mediation and conciliation themselves are non-binding, but they can be made binding if there is a signed mediated agreement. This means that the courts can make either side do what they agreed to in the agreement. However, people tend to keep to mediated agreements because they have come up with the terms of their agreement themselves. But what is said in a mediation session is confidential, so it cannot usually be used in court later.

WHEN CAN I USE MEDIATION OR CONCILIATION?

Relationship and Family Problems

Any problem to do with a divorce or separation can go to mediation. These include:

- arrangements for children, including where they will live, who they will live with, and how often they will see each parent;
- who will have property and belongings;
- how your ex-husband or ex-wife, or children will be supported; and
- how and when you will contact your ex-husband or ex-wife.

Mediation can also deal with other types of problems within families, including:

- problems between young people and their parents; and
- disagreements over who will care for elderly parents and how they will be cared for.

You can find a family mediator or mediation service near you from:

- Family Mediation Scotland;
- CALM, the association of family law mediators;
- the Law Society of Scotland;
- the Scottish Mediation Network; and
- the UK College of Family Mediators.

Problems with Neighbours

If you have a disagreement with a neighbour about noise or harassment, for example, you can try to sort it out using community mediation. Contact SACRO or the Scottish Mediation Network for details of your nearest community mediation service (see page 25 for details of how to contact them), or your local authority.

If you are a tenant of a local authority or a registered social landlord (generally a housing association), you may wish to contact your landlord in the first instance for advice. Your landlord may be able to offer mediation or to refer you to a mediation service or to suggest an alternative solution. If your neighbour is also a tenant of your landlord you can ask your landlord to take up the matter with your neighbour on your behalf. But it is always better to try to speak to your neighbour direct and only go to the landlord if this does not resolve matters.

Community mediation is usually free to local residents. The issues community mediation can deal with include:

- noise;
- problems with local children;

SECTION 3

- problems over shared land or facilities;
- parking;
- pets; and
- property boundaries.

Local authorities in Scotland have a strategic role to play in tackling anti-social behaviour in their communities. There are many good examples of alternative dispute resolution initiatives being undertaken by local authorities including mediation services, use of acceptable behaviour contracts and good neighbour agreements, intensive support for young people and for troubled and troublesome families. Further details of these initiatives can be found in the SE publication 'Not Reinventing the Wheel – a Directory of Current Practice in Tackling Anti-Social Behaviour by Scottish Local Authorities':

(<http://www.scotland.gov.uk/library5/social/nrtw-00.asp>).

Problems at Work

You can try to solve many employment disagreements through conciliation or negotiation, including problems to do with:

- unfair dismissal;
- equal pay;
- redundancy payments;
- terms and conditions of your job; and
- discrimination because of your race, sex or a disability.

The Advisory, Conciliation and Arbitration Service (ACAS) offers free conciliation for many types of employment problems. Work place and employment dispute mediators are also available, contact the Scottish Mediation Network for more details. (See page 25 for details of how to contact them.)

Problems with Discrimination if you have a Disability

If you have a disability and you feel you have been discriminated against by a retailer or service provider, you may be able to use the Disability Conciliation Service. Contact the Disability Rights Commission for advice or referral to the scheme (see page 28 for details of how to contact them).

If you feel you have been treated less favourably at work because of a disability, your sex or your race, you can consider using conciliation provided by the Advisory Conciliation and Arbitration Service (ACAS).

Harassment and discrimination claims at work or between neighbours can also be sorted out using mediation. The best way to find a service is to contact the Scottish Mediation Network.

Problems with your Child's Education

You may be able to use a local authority mediation service to help sort out a problem about:

- how or why your child was excluded from school; or
- additional support for learning needs that you feel your child has.

Alternatively, contact the Scottish Mediation Network (see page 25).

Other Problems

You may be able to use mediation for other problems, including:

- problems with goods and services;
- business disagreements;
- medical accidents;
- personal injury; and
- housing.

For details of dispute resolution services and other sources of help, please see sections 7 and 8 of this booklet.

SECTION 4

ARBITRATION

This is sometimes described as a 'private version' of going to court. It involves an independent arbitrator who is impartial and who will hear both sides of the disagreement and then make a decision to resolve the problem.

You and the other person or company must both agree to go to arbitration and to accept the arbitrator's decision. The process is confidential and so is any amount of compensation that the arbitrator awards. Sometimes the arbitrator makes their decision based on papers that each person gives them to support their case. At other times they hold a hearing where both sides can present their cases. However, this is usually less formal than a court hearing.

Arbitration is binding, so you can't take your case to court after the arbitrator has made a decision unless the arbitrator has made an obvious legal mistake or behaved improperly. However, mediation remains an option for resolving the dispute on a mutually acceptable basis at any time before the final determination is made by the arbitrator.

When can I use Arbitration?

Arbitration can be used for a range of problems. One area where it is often used is to deal with problems with goods and services.

Problems with Goods and Services

Trade associations for different companies often have arbitration schemes. Some of them run their own schemes, but others are run by an independent organisation called the Chartered Institute of Arbitrators (CI Arb). One example is the Association of British Travel Agents (ABTA), which can arbitrate on, for example, a disagreement about holidays.

If you have a complaint with a business, and they are a member of a trade association, ask the trade association whether they have an arbitration scheme to deal with your problem. You can also contact the Chartered Institute of Arbitrators to see which organisations they run arbitration schemes for (see page 25 for details of how to contact them).

OMBUDSMEN AND REGULATORS

Ombudsmen are independent 'referees' who look at complaints about public and private organisations. They are often a last resort when complaints cannot be sorted out through an organisation's own complaints procedure. Ombudsman services:

- are free to use;
- won't normally consider your complaint unless you have first used the complaints procedure of the organisation you have a problem with;
- don't take sides; and
- make decisions that are not binding on you, so you are free to go to court or use another dispute resolution process if you are not happy with their decision (except for the Pensions Ombudsman, whose decisions are binding on all parties to the complaint, subject to a right of appeal to the Court of Session on a point of law).

Ombudsmen who belong to the British and Irish Ombudsman Association (BIOA) are independent from the organisations they investigate. In most cases, the ombudsmen dealing with public organisations (such as government departments) can only review how a decision was made and:

- say whether there was 'maladministration' in the way it was made; and
- whether it resulted in an injustice.

They don't look at whether or not the decision itself was right. Maladministration can include:

- an organisation or department not following its own policies or procedures;
- rudeness;
- taking too long to do something;
- failing to do something they should have;

- treating you less fairly than other people; and
- giving you wrong or misleading information.

The private-sector ombudsmen (who look at complaints about companies, for example) can generally look at whether a decision was fair and reasonable based on industry standards of good practice. They can also award you compensation if they agree with your complaint.

When can I use an Ombudsman?

Problems with goods and services

There are ombudsmen schemes for a range of different consumer complaints, including:

- estate agents;
- financial services (banks, investments and insurance, for example);
- pensions; and
- telephone services.

If a company you have a problem with is a member of an ombudsman scheme, it should make this clear in a brochure, for example, or on its letterhead. If you are not sure, ask the company or contact the British and Irish Ombudsman Association (BIOA) (see page 27 for details of how to contact them).

Problems with solicitors or advocates

If you have a complaint about a solicitor or conveyancing and executry practitioner regulated by the Law Society of Scotland, you can complain to the Society (see page 28 for details of how to contact them). If you have a complaint against an advocate, you can complain to the Faculty of Advocates (see page 28). If you are unhappy with the way in which the Law Society or the Faculty of Advocates has handled your complaint, you can complain to the Legal Services Ombudsman (see page 26).

SECTION 5

Problems with medical treatment

If you have a complaint about any treatment you've received from the NHS, you can take your case to the Scottish Public Services Ombudsman. However, the ombudsman will only look at your case if you have already been through the NHS complaints procedure and you are not happy with the result.

The Ombudsman can consider various complaints, including those about:

- poor-quality care or treatment;
- poor-quality service;
- not giving you a service that you should have had;
- a delay in your care or treatment;
- rudeness; and
- the way your complaint was dealt with by a hospital or health authority.

Problems with housing

The Scottish Public Services Ombudsman deals with complaints against housing associations, registered social landlords and local authorities.

Problems with local authorities

The Scottish Public Services Ombudsman deals with complaints against local authorities.

Problems with government departments

If you have a complaint about a Scottish Government Department, you can take it to the Scottish Public Services Ombudsman. However, if your complaint is about a UK Government Department (for example the Inland Revenue or the Department for Work and Pensions), you should take your complaint to the Parliamentary Ombudsman. You can find out

which government departments and public bodies are covered at the website www.ombudsman.org.uk

If you want to take your complaint to the Parliamentary Ombudsman, you must first send it to a Member of Parliament (MP). They will pass it on to the ombudsman.

Problems with the Child Support Agency

If you have a complaint about the Child Support Agency, you can take it to the Independent Case Examiner.

See 'Ombudsmen' in section 7 for details of how to contact these organisations.

REGULATORS

Regulators oversee the way certain companies which have a public role behave, and look at complaints from customers. Taking a complaint to a regulator is free. But they can only look at the way your complaint was dealt with, not at what you complained about. You must normally go through the company's own complaints procedure before you contact the regulator.

When can I use a regulator?

Some of the most important regulators are:

- Ofgem, for gas and electricity companies;
- The Water Industry Commissioner for Scotland for water companies;
- Ofcom, for the communications industry; and
- Communities Scotland, Regulation and Inspection Division, for housing and related services.

See 'Regulators' in section 7 for details of how to contact these bodies.

EXPERT DETERMINATION AND NEUTRAL EVALUATION

EXPERT DETERMINATION

In expert determination, an independent person looks at the case and gives a decision. The person making the decision is usually an expert in the subject of the disagreement. They are chosen jointly by both sides, who agree from the start to be bound by the expert's decision. Expert determination can be best for deciding technical areas of a complex disagreement.

NEUTRAL EVALUATION

With this option an independent person looks at the claims made by each side and gives their opinion either on:

- what they think the result should be; or
- a particular point of law.

Their opinion is non-binding, so either side can use it to decide what steps they might take next. The opinion can also be the basis for an agreement between both sides.

Neutral evaluation can help work out where the real problem lies, and make both sides think more clearly about results by giving an independent view of the arguments. The evaluator is often chosen because of their expertise in the subject matter of the disagreement. They may also be a solicitor with litigation experience.

DISPUTE RESOLUTION SERVICES

Mediation

CALM (Association of Family Law Mediators in Scotland)
www.calmscotland.org.uk

Family Mediation Scotland
Phone : 0131 558 9898
www.familymediationscotland.org.uk

Scottish Mediation Network
Phone: 0131 556 1221
www.scottishmediation.org.uk

Academy of Experts
Phone: 020 7430 0333
www.academy-experts.org

The ADR Group
Phone: 0117 946 7180
www.ADRgroup.co.uk

Intermediation
Phone : 020 7816 3606
www.intermediation.com/frames.html

UK College of Family Mediators
Phone : 0117 904 7223
www.ukcfm.co.uk

Core Mediation Ltd
Phone: 0131-221 2520/1
www.core-mediation.com

SACRO
Phone : 0131 624 7270
www.sacro.org.uk

ACAS (Conciliation & Arbitration Service)
Phone: 08457 474747
www.acas.org.uk

Centre for Effective Dispute Resolution
Phone : 020 7536 6000
www.cedr.co.uk

Mediation UK
Phone : 0117 904 6661
www.mediationuk.org.uk

Arbitration

ACAS (Conciliation & Arbitration Service)
Phone: 08457 474747
www.acas.org.uk

Chartered Institute of Arbitrators (Scottish Branch)
Phone: 0141 332 4171
www.scottish-arbitrators.org

The Law Society of Scotland
Phone: 0131 226 7411
www.lawscot.org.uk

Scottish Council for International Arbitration
Phone: 0131 557 1545
www.scia.co.uk

SECTION 7

Ombudsmen

British and Irish Ombudsman Association (BIOA)

Phone: 020 8467 7455

www.bioa.org.uk

Financial Services Ombudsman

(For complaints against financial services, including banks, building societies, investments and insurance)

Phone: 0845 0800 1800

www.financial-ombudsman.org.uk

Pensions Ombudsman

(For complaints about pension schemes)

Phone: 020 7834 9144

www.pensions-ombudsman.org.uk

Scottish Public Services Ombudsman

(For complaints about Scottish Government Departments and other bodies including Councils, Housing Associations, NHS)

Phone: 0870 011 5378

www.scottishombudsman.org.uk

Waterways Ombudsman

(For complaints of maladministration against British Waterways)

www.britishwaterways.co.uk/accountability/index.html

Estate Agents Ombudsman

Phone: 01722 333306

www.oea.co.uk

Parliamentary Ombudsman

(For complaints via MPs about maladministration by UK Government Departments and other public bodies)

Phone: 0845 015 4033

www.ombudsman.org.uk

Scottish Legal Services Ombudsman

(For complaints against the Law Society of Scotland or the Faculty of Advocates)

Phone: 0131 556 9123

www.slso.org.uk

Telecommunications Ombudsman (Otel0)

(For complaints about telephone services)

Phone: 0845 050 1614

www.otelo.org.uk

Regulators

**Communities Scotland
(Regulation and Inspection)**

(Regulation and Inspection of Registered Social Landlords, local authority landlords, homelessness and factoring)

Phone: 0131 313 0044

www.communitiesscotland.gov.uk

Ofgem

(Regulator for Britain's gas and electricity industries)

Phone: 020 7901 7000

www.ofgem.gov.uk

Ofcom

(Regulator for the UK Communications Industry, including TV, radio and telecommunications)

Phone: 0845 456 3000

www.ofcom.org.uk

Water Industry Commissioner

(Customer service regulator of Scottish Water)

Phone: 01786 430200

www.watercommissioner.co.uk

OTHER SOURCES OF HELP

Advice UK

Phone: 020 7407 4070

www.adviceuk.org.uk

Dial UK

Phone: 01302 310123

www.dialuk.org.uk

Edinburgh In-Court Advice Service

Phone: 0131 247 2865

(in-court advice)

0131 220 1092 (mediation services)

www.cas.org.uk (Select

FindaCab/Edinburgh/Ed.Central)

The Law Society of Scotland

Phone: 0131 226 7411

www.lawscot.org.uk

Office of Fair Trading

Phone: 08457 224499

www.ofl.gov.uk

Scottish Association of Law Centres

Phone: 0141 440 2503

www.salc.info

Citizens Advice Scotland

Phone: 0131 550 1000 (or check phone book for your local CAB)

www.cas.org.uk

Disability Rights Commission

Phone: 08457 622633

www.drc-gb.org/scotland

Equal Opportunities Commission

Phone: 0845 601 5901

www.eoc.org.uk

Faculty of Advocates

Phone: 0131-260 5825

www.advocates.org.uk

The Legal Services Agency

Phone: 0131 228 9993 or 0141 353 3354

www.lsa.org.uk

Shelter Scotland

Phone: 0808 800 4444

www.shelterscotland.org.uk

© Crown copyright 2005
Astron B37730 01-05

