NATIONAL CARAVAN COUNCIL INFORMAL DISPUTE RESOLUTION SERVICE (NCCIDRS) COMPLAINTS GUIDANCE

The National Caravan Council (NCC) is the trade association for the UK leisure vehicle, holiday and residential parks industry. We offer an Informal Dispute Resolution Service (NCCIDRS) to help resolve complaints that have been raised by anyone who has transacted with a business, company or individual currently in membership of the NCC.

What is NCCIDRS?

NCCIDRS is a free of charge service that aims to restore communications to enable both parties to resolve their differences. As part of the process, we will share your details along with the details of your complaint with the member company once we have your express permission and ask them to review and respond. We will endeavour to reopen communication between you and find a mutually satisfactory resolution to the problem.

We do not attempt to formally mediate, arbitrate or make a judgement on the issues presented and use of this service does not affect your statutory rights. We do not offer a legal advice service, and if you require such advice we would recommend contacting the Citizens Advice Consumer Service for details of a legal advisor or solicitors who may be able to assist.

Before starting the NCC IDRS complaint procedure it is important that you read this guidance as there are some things that you need to do before you raise a complaint with us. There are also some issues that we are unable to assist with so please make sure that your complaint is eligible for the service before proceeding.

Who can raise a complaint for consideration by NCC IDRS?

In general, anybody who has transacted, or intended to transact, with a company who is currently in membership of the NCC. This includes anybody to whom the customer (or prospective customer) has given written authorisation to complain on their behalf.

What checks do I need to do before escalating my complaint to NCCIDRS?

The first step is to check that the company that you have transacted with is a member of the NCC by visiting our website thencc.org.uk/find-a-member/

- If they are listed as a member then you may be able to raise a complaint through NCCIDRS
- If they are not a member of the NCC then unfortunately we will not be able to assist with your complaint

Even if the company is a member of the NCC there are some things that we are unable to assist with as they fall out of the scope of our service. Please review the list on the following page and if your complaint falls into any of the categories listed it will NOT be eligible for NCCIDRS:

Exclusions: All Complaints;

- A complaint where more than three calendar months have elapsed since the member's final written decision, unless we agree that there are special circumstances
- A complaint that was not raised with the member company within 28 days of you becoming aware of the problem
- An issue or repair that falls under the terms of the manufacturer's warranty
- An issue where either party has instructed a legal advisor or where qualified legal advice has been sought
- A business-to-business transaction
- An issue that can be remedied under consumer law, for example, an issue that can be remedied under the terms of the Consumer Rights Act 2015 such as complaints regarding whether a product is 'fit for purpose' or of 'satisfactory quality

Exclusions: Holiday Parks;

- A complaint about the amount of, or changes to, pitch fees or other charges levied by the park operator when operating in compliance with the terms of the Licence Agreement
- A complaint about commercial decisions made by a holiday park, for example the 'buy back' value of a holiday caravan or the cost of entertainment passes
- A holiday rental or holiday let on a member park
- The local tourist board quality assessment rating scheme such as the Visit England Quality Assessment Scheme for holiday parks
- Disputes over Park Rules or Site Licence issues or planning decisions/development of the park, other than how they were handled by the member park in compliance with the Licence Agreement. For example, if your dispute concerns the moving of your holiday caravan to an alternative pitch due to a new development on park, we would only be able to assist if the park has not undertaken the move in line with the terms of the licence agreement
- Disputes that involve claims to property/land rights

Exclusions: Complaints that fall within the responsibility of another association or dispute handling body;

- Residential Park issues which can be dealt with by the First-tier Tribunal (FTT) Property Chamber. If your complaint is about an issue on a Residential Park you can find more information by visiting www.justice.gov.uk/tribunals/residential-property
- Issues already being dealt with by another trade association or another independent redress or dispute resolution scheme such as an ombudsman or ADR provider
- Criminal issues that have or should have been reported to the police or a matter that is subject to criminal prosecution
- A matter that has already been escalated through the legal system (ie small claims court) or is in the process of being escalated
- A matter that relates to a possible breach of the park's Site Licence which is the responsibility of the local authority e.g. the spacing between caravans

If your complaint doesn't fall into any of the above categories but is against an NCC member company then please take a look at the FAQ's on the following page for further guidance on escalating your complaint for consideration by NCCIDRS

FAQ's

When can I complain to the NCCIDRS?

It is important that the member company has the opportunity to rectify any problem before it is escalated to us. Therefore, your complaint cannot be submitted to the NCCIDRS before the completion of the company's internal complaints procedure (unless the company is taking longer than the procedure allows or longer than could be regarded as reasonable.)

You must have told the company about your complaint within 28 days of your becoming aware of it and given them the opportunity to consider it first.

Any time limits for consideration of a complaint prior to escalation to NCCIDRS can be extended where either you or the company has requested this and, if required, this request has been agreed by the NCCIDRS. Such requests shall not be unreasonably denied.

If you have not already done so:

1. Please write to the company setting out the problem and clearly explaining what you expect as an outcome or ask for the opportunity to discuss it with them.

   Our experience shows us that complaints are best dealt with in writing, and by email where possible. This provides documentary evidence of what was said/agreed, provides an accurate timeline of events and avoids confusion later on.

2. Follow the company's complaint procedure, keeping within the specified timescales

3. If you arrange a meeting to discuss the matter, please;

   (i) make sure that is with a senior member of staff who has responsibility for complaint handling
   (ii) keep a note of what you want to say and take copies of any documentation with you
   (iii) make a note of what was said and by whom and send a copy to the company as confirmation

4. You may escalate your complaint to NCCIDRS if you have reached the position where;

   - The company's complaint procedure has been completed, you are dissatisfied with their final decision, and you have written and told them so
     OR
   - If the company has not responded within the required time period (where appropriate and specified within the company's formal complaint procedure

     - You must submit your complaint to the NCCIDRS within three calendar months of receiving the written final decision from the member company.

     - We will reject any complaint brought to us more than three calendar months after the date of the company's written final decision, unless we agree that there are special circumstances

Do I have to escalate the complaint personally and identify myself?

Another person can escalate the complaint on your behalf, for example a friend or family member, but they must have your written authorisation to do so. We do not accept anonymous complaints because neither we nor the member company would know who to respond to.

Note: NCC IDRS cannot assist with:

- complaints that are part of a 'group action' e.g; a complaint that is submitted by multiple customers of one business regarding the same subject matter

- complaints where correspondence or documentation relating to another customer is being relied on as evidence, e.g; where another individual has raised a complaint with the member company and you are relying on their correspondence to escalate the complaint to NCC IDRS

How do I escalate my complaint?

Our policy is to deal with all complaints in writing to ensure that there is documentary evidence of everything that is said or agreed to avoid confusion or misunderstandings.

We can only accept complaints that have been submitted by completing our "I wish to make a complaint" form which can be found on our website. If you are unable to access our website, please contact us either by email or by post and we will arrange to have a form sent out to you.

Please write or type clearly and make sure that you complete all sections of the form and attach all documentary evidence and correspondence that you would like NCCIDRS to consider in support of your complaint – you may not get the opportunity to submit it again later in the process - and please make sure that you sign the form.

What happens when the NCCIDRS receives my complaint?

We will:

- ✓ Review your submitted paperwork and ensure that it is complete and eligible for NCCIDRS within two weeks of receipt. During this time we may need to contact you. If the complaint is not eligible for NCC IDRS we will reject it and write to you to explain why

- ✓ If your complaint is eligible, we will decide whether the NCCIDRS can positively attempt to resolve it or whether it is more appropriate for you to seek resolution elsewhere. If this is the case, we will write to you and advise you of other organisations who may be able to assist you further.

- ✓ If we feel that we can be of assistance in resolving your complaint, we will send the complaint details and copy correspondence to the member company with a formal request for their comment within 28 days.

- ✓ Upon receipt of the member company's response, we will contact you and/or the company to see if a mutually acceptable and satisfactory resolution can be reached.

- ✓ If the NCCIDRS, considers it would be to the benefit of both parties in achieving a resolution, the content of some of these discussions or correspondence may be deemed confidential and not disclosed to the other party. Disclosure will only take place at the absolute discretion of the NCC IDRS

- ✓ If we require you to provide us with a response or further information you must provide it within 14 days of the request. If the information is not received within this timescale NCCIDRS will deem the matter as having been resolved and the file will be closed.

- ✓ If we are unable to assist you and the member company to achieve a resolution you can ask them if they will consider going through an Alternative Dispute Resolution (ADR) process. We encourage all our consumer-facing member businesses to consider this because if the matter goes to court the business's lack of engagement in ADR may have an impact on the outcome of the case.

At all stages we will keep you informed as to the status of your complaint

What will it cost me to use the NCC IDRS?

NCCIDRS is a FREE service for consumers who wish to complain about an NCC member company.

More information on NCC IDRS

The NCC IDRS will accept complaints submitted in English (via our complaint form) and the resolution service provided will be conducted in English. If this would cause you difficulties, for example if English is not your first language, we will endeavour to make reasonable adjustments to our process where possible.

The complainant is free to withdraw from the dispute resolution procedure at any time and without penalty. The NCC member company is bound by the terms of their membership to cooperate with the procedure.

We aim to reach a conclusion or settlement within 90 calendar days of receipt of the complete complaint file, which consists of the consumers complaint form and accompanying documents and the NCC members full response. However, where a complaint is unusually complex we may, at our discretion, extend this time period. If this happens, both parties to the complaint will be notified.

Our Contact Details

The quickest and most efficient way to submit your complaint form and additional documentation to us for consideration is by email to: nccidrs@thencc.org.uk

Alternatively, you can submit it to us by post at:
NCCIDRS, Catherine House, Victoria Road, Aldershot, Hampshire, GU11 1SS

For more information on NCC IDRS, please visit our website: www.thencc.org.uk

If you have any questions about the service that we offer which aren't been covered in these guidance notes, please email us directly at nccidrs@thencc.org.uk

Other Useful Contacts:

- The Citizens Advice Consumer Service: 0808 223 1133
- The National Association of Caravan Owners (NACO): 01255 820321
- The Caravan and Motorhome Club: 01324 326944
- The Camping and Caravanning Club: 024 7647 5448
- Resolver complaints service (in association with Money Saving Expert)
- The Leasehold Advisory Service (LEASE): 020 7832 2525/080 8196 2212

This guidance replaces any/all earlier versions. It will be revised and up-dated periodically.
This guidance is available by email or in hard copy/printed format on request. We will accept submissions by both email and post.