

## OUR SERVICES

### Alternative Dispute Resolution - FAQs



#### Q: What is the service?

A: Jennifer Gallagher provides Alternative Dispute Resolution (ADR) in the form of mediation. Once you have exhausted the internal complaints process of the gambling operator, the gambling operator will refer the case to the ADR provider and the dispute will be dealt with as a mediation.

In a mediation the mediator acts impartially and tries to help the parties with the dispute, work their way towards a settlement that is acceptable to both parties.

#### Q: How long will it take?

A: The nature of this work often makes it difficult to estimate precisely how long it will take to complete. On receipt of the referral the mediator will contact both parties within two working days providing the mediation terms and conditions and asking for an outline of the matters that are in dispute and require resolution. The mediator will then carry out further enquiries and if need be will schedule telephone and/or face to face meetings to try to bring the dispute to a satisfactory conclusion.

The mediator aims to have every dispute resolved within 12 weeks of the initial referral being made and if for any reason the work can not be carried out within that timescale both parties will be informed and will be given an estimate of the likely timescale for resolution.

#### Q: Who will deal with the case?

A: Jennifer Gallagher who is a Partner within the firm's Family Law Team and a Law Society of Scotland Accredited Family Mediator is the person approved by the Gambling Commission to carry out this work.

#### Q: How can I contact the mediator?

A: The mediator can be contacted by e-mail at [jennifergallagher@lindsays.co.uk](mailto:jennifergallagher@lindsays.co.uk) or by direct telephone to 01382 346400. It is also possible to send information by post to Jennifer Gallagher, RSB Lindsays, Seabraes House, 18 Greenmarket, Dundee, DD1 4QB.

#### Q: What does the service cost?

A: If you are a consumer the service is provided free of charge to you. The gambling operator will meet the costs associated with the mediation. The gambling operator agrees directly the arrangements for billing for ADR services and the terms and conditions of mediation contain the basis upon which these are charged to the gambling operator, although the gambling operator is meeting the fees associated with the ADR service.

Jennifer Gallagher is independent and is not employed by the gambling operator. The law firm Lindsays in which Jennifer is a Partner, is an independent Scottish law firm and the firm does not act in any

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capacity other than as ADR service provider for the gambling operators using the ADR service.

### **Q: What do I do if I have a complaint about the ADR provider?**

A: The law firm Lindsays has a procedure in place for resolving complaints. We aim to provide a quality service. In the first instance if you have any concerns regarding the conduct of the ADR case then you should speak to Jennifer Gallagher herself.

If after discussion you continue to have concerns then you may also contact the firm's Client Relations Partner, Mr Peter Tweedie, who will investigate matters thoroughly and respond to you in writing. If the matter is not resolved to your satisfaction you are entitled to contact the Scottish Legal Complaints Commission whose address is The Stamp Officer, 10-14 Waterloo Place, Edinburgh, EH1 3EG.

You should note that the SLCC operate strict time limits for accepting complaints. For work commenced after 1 April 2017 any service complaint requires to be submitted to the SLCC within three years after the date on which any professional services in respect of that matter were last provided by the firm or practitioner to the client or in respect of any conduct complaint within three years after the conduct complained about occurring. The SLCC will disregard any time it considers that the complainer was excusably unaware of their concerns.

### **Q: Will I require a lawyer of my own?**

A: Jennifer Gallagher is a qualified solicitor and can give full and impartial information about the legal framework but cannot provide legal advice to either party. The information provided is to allow the parties to decide what arrangement would be appropriate for their circumstances. You may wish to take advice from your own lawyer on any proposals or suggestions made at mediation. Any proposal agreed at mediation could be confirmed in a formal Agreement which would be prepared and adjusted between the parties and their lawyers.

### **Q: What about confidentiality?**

A: Discussions in mediation are confidential and cannot be referred to outwith mediation unless both parties agree.

### **Q: Do both parties have to agree to mediation?**

A: Referral to ADR is the last stage of the complaints process and the gambling operator will agree to refer the case for ADR which will be provided in the form of mediation. The process is voluntary and can be terminated at any time.

### **Q: Can the dispute be re-opened once the ADR provider has reached a decision?**

A: A dispute cannot be reopened once the ADR provider has reached a decision. If a settlement is achieved and agreed to by both the consumer and the gambling operator then the case will be concluded on that basis. If no agreement is reached and the mediator cannot take the matter any further forward the mediator will provide a summary of her conclusions and a recommendation on how the case might be resolved. The case will then have to be dealt with by alternative means which might include a regulatory complaint to the Gambling Commission by the consumer or litigation by the consumer.

### **Q: Will I be given compensation?**

A: In some cases, it may be appropriate for out of pocket expenses to be reimbursed to the consumer such as costs associated with recovering documents that are necessary for the proper configuration of the case. In some cases, the mediator may reach the view that it is appropriate for some financial compensation to be offered to the consumer and in those cases the mediator will set that out in the summary and will set out what she recommends the level of compensation should be.

