

ADR Internal Statement of Compliance Annual and Quarterly Reporting

Reporting period - 1 November 2018 to 31 October 2019

Name of ADR Provider – Lindsays – Account ref:42061

Background:

Type of ADR offered (e.g. mediation, adjudication, etc)	Mediation
Number of employees as ADR officials	1
How are dispute outcomes reached? (e.g. panel decision, individual mediator, etc)	Individual mediator
If outcome is reached by panel decision, please explain who makes up the panel?	n/a
How is the ADR funded?	Fees paid by operators

As a competent authority for the gambling sector we approve alternative dispute resolution (ADR) providers that wish to offer services to gambling consumers. Our role as competent authority includes making sure that ADR providers continue to meet the requirements of the ADR Regulations, alongside our role as gambling regulator to make sure that gambling is fair and open. The Gambling Commission expect ADR providers in the gambling industry to meet the requirements of the [ADR Regulations](#) and our [additional standards](#).

Internal statement of compliance

Please demonstrate how your organisation and your ADR process complies with the requirements of the ADR Regulations and the Commission's standards for ADRs in the following areas:

Statement	Response
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<p>ADR Services offered by the body Please demonstrate how you meet the requirements of the ADR Regulations Schedule 3, section 1. As part of your answer, explain how you ensure that stakeholders know why the scheme exists, what it does and what to expect from it (Ombudsman Association six principles of good governance, Clarity of Purpose).</p>	<p>ADR is offered in UK cases only. Provider is based in Scotland but will take cases from any part of mainland UK. The ADR provider is a solicitor in private practice and is a partner in the firm Lindsays so is independent of the traders who might refer cases into the ADR provider. The fees are met by the traders to make the service accessible to members of the public. The trader T&Cs have referral to ADR as final stage in the complaints process. The ADR provider operates under her own mediation terms and conditions which are provided to both parties at the outset of the case. An initial telephone/email exchange explains how the process works and at every stage the ADR provider ensures both parties understand what is happening and that they can effectively participate. The parties are given a clear overview of the process, timescales, what information will be needed and what to expect. Throughout the process the ADR provider checks that parties are clear on the process.</p>
<p>Access to the ADR body Please demonstrate how you meet the requirements of the ADR Regulations Schedule 3, section 2. As part of your answer please explain how you consider the needs of vulnerable consumers (Commission standards, p24), and comply with other legislation such as GDPR.</p>	<p>Law firm is GDPR compliant and has GDPR rules/officer appointed to deal with data protection matters, Website/terms and conditions comply with regulations. Mediator can be contacted directly by email/telephone/post. Efforts are made to ensure parties can participate effectively in process.</p>
<p>Expertise Please demonstrate how you meet the requirements of the ADR Regulations Schedule 3, section 3(a). As part of your answer, please document any training or qualifications that your ADR officials undertake, the frequency of this, and whether there are refresher sessions for officials, and any experience in dispute resolution that officials have.</p>	<p>CPD training and regular peer assessments for reaccreditation as mediator. Annually 6 hours of mediation CPD is undertaken and every 3 years peer assessment and reaccreditation is required.</p>
<p>Independence Please demonstrate how you meet the requirements of the ADR Regulations Schedule 3, section 3(b), (d), (e), (g) – (h). As part of your answer, please explain how you ensure and evidence the freedom of the office holder from interference in decision making (Ombudsman Association six principles of good governance, Independence), and how you are transparent about the way you are funded (Commission standards, p18).</p>	<p>Not employed or involved with Gambling Operators, solicitor regulated by Law Society of Scotland</p>

<p>Impartiality Please demonstrate how you meet the requirements of the ADR Regulations Schedule 3, section 3(c), (e), (f), and section 4. As part of your answer, please explain how you ensure straightforward dealing and completeness, based on honesty, selflessness and objectivity and ensuring high standards of probity and propriety (Ombudsman Association six principles of good governance, Integrity). Please also explain how your conflicts of interest procedure meets the requirements of the ADR Regulations, Schedule 3, section 4. This should include how you ensure that parties to a dispute fully understand the process where a conflict arises, and how you ensure that any ADR officials who work part-time in another capacity are not conflicted by their non-ADR duties (Commission standards p19).</p>	<p>Regulated by Law Society of Scotland and subject to professional rules and standards re conflict of interest, not employed by any gambling operators, terms and conditions of mediation set out clearly how process will be handled and sticking to these ground rules ensures fairness and impartiality.</p>
<p>Transparency The ADR Regulations require you to publish information on your website (ADR Regulations Schedule 3, section 5), and we will check your website for this information. We also expect you to publish performance data and specific information on your methods and timescales as part of our standards. Explain how in general you ensure openness and transparency in your scheme in order that stakeholders can have confidence in the decision making and management processes of the scheme (Ombudsman Association six principles of good governance, Openness and transparency), and how all members of the scheme are seen to be accountable and responsible for their decisions and actions (Ombudsman Association six principles of good governance, Accountability).</p>	<p>Information received from parties is shared and it is made clear at outset this is the approach. Nothing is held in confidence from other party, terms and conditions set out rules for process, parties are told at outset likely timescales and if anything changes parties are informed. Parties are regularly updated as case progresses.</p>
<p>Effectiveness Please demonstrate how you meet the requirements of the ADR Regulations Schedule 3, section 6. As part of your answer, please explain how you ensure that the scheme achieves its outcomes efficiently and represents good value for money (Ombudsman Association six principles of good governance, Effectiveness). You should also demonstrate how you meet the decision/outcome quality standards (Commission standards, p19), and the process you have put in place for an audit/review of dispute outcomes, service standards and service quality (Commission standards, p18).</p>	<p>Decision provided as summary document to both parties. Member of the public has no costs to bear and operator has fees agreed and fixed at outset. Full disclosure is made re billing arrangements.</p>

<p>Fairness Please demonstrate how you meet the requirements of the ADR Regulations Schedule 3, sections 7-10. As part of your answer, explain how you ensure that your dispute process takes account of the balance of power within a dispute, particularly around sharing evidence with parties to a dispute (Commission standards p18).</p>	<p>The terms of mediation set up the ground rules and enshrine fairness. Parties understand that information will be shared. As an experienced family mediator the ADR provider is very aware of power imbalances and uses skills and experience to combat them.</p>
<p>Legality Please demonstrate how your process meets the requirements of the ADR Regulations, Schedule 3, section 11.</p>	<p>The process is voluntary. The gambling operator which most often uses the ADR service has agreed to abide by recommendations made in mediation summary. The summary is not legally binding but can be made so if parties wish to do so by engaging solicitors to assist with that. Parties engage in mediation to try to resolve the dispute and generally accept the outcome. If parties wish they can pursue other avenues like regulatory complaint or legal action.</p>
<p>General Please tell us about any changes you have made to the delivery of your dispute resolution process since your last report. What has been the impact of the changes? If you would like to share any additional information or comments (beyond that required by your ADR Regulations-specified annual report) then please comment below.</p>	<p>None</p>

Quarterly/Annual reports

Quarterly reporting periods end 31 January, 30 April, 31 July and 31 October

Annual reporting periods 1 October.

Please submit your reports to your nominated Licensing Account Manager within 10 working days of the end of the reporting period.

Annual report information must be displayed on your website by 1 November each year, as per the ADR Regulations.

ADR provider quarterly/ annual reporting

ADR provider	Lindsays
Reporting Period	1 November 2018 to 31 October 2019
Quarterly return only*	

**if Nil Return, then please submit your quarterly return now.*

a) No of domestic & cross border disputes received	Domestic	1
	Cross Border	

b) Numbers of each type of complaint <i>Please list the actual number of each type of complaint you received.</i>		1	
c) Total number of disputes the provider refused to deal with <i>% share of the grounds set out in para 13 Schedule 3 of the ADR Regulations</i>	0%	Consumer not contacted trader first	%
		Dispute is frivolous/vexatious	%
		Dispute is being/has been considered by another ADR provider/court	%
		Value is outside the provider's monetary thresholds	%
		complaint not submitted within time period	%
		dealing with the dispute would impair the effective operation of the body	%
		not the relevant gambling sector	%
		GC regulatory matter only (not a dispute)	%
		Discontinued for non-operational reasons (e.g., party withdrew)	%
d) % of ADR procedures discontinued for operations reasons	0 %	reasons for discontinuation if known	
e) Average time taken to resolve disputes in days		Domestic	60
		Cross Border	
f) no of disputes completed in period		1	
g) % completed disputes ruled in operator's favour		100 %	
h) % completed disputes ruled in favour of the consumer		0 %	
i) % completed disputes settled by the operator during the ADR process		100 %	
j) average length of time taken to receive complaint file from operator (days)		2	

Items (f) to (j) are part of the Commission's additional standards and not a requirement of the ADR Regulations.

For annual report only - note that all fields relating to the annual report must be displayed on your website by 1 November each year.

<p>k) a description of any systematic or significant problems that occur frequently and lead to disputes between consumers and traders of which the ADR entity has become aware due to its operations as an ADR entity;</p>	<p>None noted</p>
<p>l) any recommendations the ADR entity may have as to how the problems referred to in paragraph (c) could be avoided or resolved in future, in order to raise traders' standards and to facilitate the exchange of information and best practices</p>	<p>None noted</p>
<p>m) the rate of compliance, if known, with the outcomes of the alternative dispute resolution procedures;</p>	<p>Full compliance</p>
<p>n) the co-operation, if any, of the ADR entity within any network of ADR entities which facilitates the resolution of cross-border disputes.</p>	<p>none</p>