

Schedule 5 and Schedule 6 Information for ADR Bodies

The Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015, require you to supply the competent authority (Chartered Trading Standards Institute) with your Schedule 5 (annual) and Schedule 6 (biennial) reports when they are due.

The Schedule 5 report must be supplied every year (including when you also supply your biennial report) and must be made available on your website as per the legislation. The Schedule 5 report must be supplied to the competent authority and uploaded onto the website within a month of the anniversary of your date of approval as an approved ADR body.

The Schedule 6 report must be supplied biennially and is not required to be available on your website, only sent to the competent authority. The years that you supply the biennial report, you still must supply an annual report in addition. The Schedule 6 report must be supplied to the competent authority within a month of the anniversary of your approval date. The information (data) (as per section 11.3 of the legislation) is to cover the whole (totals) of the 2-year reporting period.

All details of what must be included in the reports can be found below.

This is the minimum data required for reporting, but any other or extra data supplied would be much appreciated for further insight.

As of 1st January 2021, there have been several amendments made to the legislation due to Brexit. It is no longer a requirement of the legislation to handle cross-border disputes and report on these disputes. However, if you continue to handle cross-border disputes, we would ask that you supply any information in relation to these cases.

Additionally, if your ADR scheme's outcome is binding on either party, please provide us with the percentage of whether the outcome was ruled in the consumer or trader's favour at the end of the Schedule 5 and Schedule 6 report.

Schedule 5 - IPW – 16th March 2024 – 15th March 2025

Information to be included in an ADR entity's annual activity report

(a) the number of domestic disputes the ADR entity has received;

No. enquiries received (domestic)	No. enquiries received (cross-border)	No. disputes received (domestic)	No. disputes received (cross-border)	No. disputes accepted (continued to case) (domestic)	No. disputes accepted (continued to case) (cross-border)
5	0	5	0	5	0

(b) the types of complaints to which the domestic disputes and cross-border disputes relate;

Types of disputes:

- **Complainant's questions about lifetime trust not answered, or not answered satisfactorily, after receipt of draft documents for approval by the complainant**
- **Advice and subsequent service from a 3rd party provider relating to the preparation of a lifetime trust 5 years previously**
- **Work on a lifetime trust has not been completed satisfactorily, in the opinion of the complainant.**
- **Work on a lifetime trust has not been completed - three years after starting.**
- **Work on Will and Power of Attorney documents had not been completed within promised timescales**

(c) 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;

There is a pattern of complaints relating to the provision of lifetime trusts by IPW members. The preparation/drafting (but not advice) of such documents is a reserved legal activity and can only be carried out by a regulated law firm. In order to be able to deliver a complete service to consumer, IPW members typically have sub-contracted the preparation/drafting work to a regulated law firm. Where timescales have not been met it has been due to the failure of a regulated law firm sub-contracted by the IPW member.

- (d) 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;

In order to avoid IPW member firms being embroiled in issues not of their making, the IPW Code of Practice now requires a separate agreement (and payment) between the customer and the third party, regulated, law firm that is contracted to prepare/draft the trust document. Where issues arise due to the poor performance of a regulated law firm, there are avenues for redress through the Legal Ombudsman, and this would be signposted in the agreement between the customer and the regulated law firm.

- (e) the number of disputes which the ADR entity has refused to deal with, and the percentage share of the grounds set in paragraph 13 of Schedule 3 on which the ADR entity has declined to consider such disputes;

Total no. of disputes rejected	One
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Reason	No. rejected	Percentage of rejected
a) the consumer has not attempted to contact the trader first		
b) the dispute was frivolous or vexatious		
c) the dispute had been previously considered by another ADR body or the court		
d) the value fell below the monetary value		
e) the consumer did not submit the disputes within the time period specified		
f) dealing with the dispute would have impaired the operation of the ADR body		
g) other (enquired too early, not yet complained to trader, trader not member, advice call etc...	1(trader no longer a member)	

- (f) the percentage of alternative dispute resolution procedures which were discontinued for operational reasons and, if known, the reasons for discontinuation;

	No. discontinued	Percentage of discontinued
Discontinued for operational reasons	None	

Reasons for discontinuation:

Not applicable

(g) the average time taken to resolve domestic disputes and cross-border disputes;

	Domestic	Cross-border
Average time taken to resolve disputes (from receipt of complaint)	66 days	
Average time taken to resolve disputes (from 'complete complaint file')	11 days	

Total average time taken to resolve disputes	66 days
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(h) the rate of compliance, if known, with the outcomes the alternative dispute resolution procedures (amongst your members, or those you provide ADR for)

80%

One of the five cases did not comply with the outcome and the firm has yet to make a refund as directed. The firm has resigned their membership of IPW. The complainant (with help and support from the IPW) is pursuing a claim through a court claim.

(i) This point has been removed in amendments on 1 January 2021

Please add any additional information or data you think might be useful or interesting at the bottom of this report.