



Chartered
Institute of
Arbitrators

CIArb

The Rules of the TrustMark Conciliation Service

2006 Edition

(To apply to applications for conciliation made on or after 2nd October 2006)

1 Introduction

- 1.1 The TrustMark Conciliation Service (the service) is an independent conciliation service designed to minimise costs and to encourage agreement between the parties. The service is provided by the Chartered Institute of Arbitrators (the administrator) for customers in dispute with members of the Property Care Association, members of the National Association of Inspectors and Testers, or contractor clients of AJA Registrars Ltd ('the member'). The service takes four weeks from date of application to confirmation of outcome.
- 1.2 This procedure applies where disputing parties seek assistance from an independent conciliator appointed by the administrator on the matters in dispute. The administrator has the exclusive right to appoint a conciliator under these rules.
- 1.3 The conciliator, who will be a qualified and accredited mediator, will work with the parties to try to find an agreed solution to the dispute. If the parties do not voluntarily reach agreement in the first instance, then the conciliator may propose a solution to the parties in an attempt to help them resolve the dispute.

2 Making an application

- 2.1 An application under the service must be made on the designated application form, available from the member, the administrator or any of the trade bodies listed above.

3 Appointment of a conciliator

- 3.1 Upon receipt of a properly completed application form the administrator will appoint a conciliator and will inform the parties accordingly.

4 Procedure

- 4.1 The proceedings commence upon acknowledgement of receipt of the conciliation application form by the administrator.
- 4.2 Upon receipt of the conciliation application form the administrator will invite each party to submit a case statement, of no more than the equivalent of two pages of A4 paper, plus supporting documentation, in duplicate, within 7 days. The statement should include any information thought to be of particular relevance to the dispute.
- 4.3 The conciliator will speak to the parties by telephone or communicate in writing (including email) with the parties either together or individually to request further information or to explore possible solutions.
- 4.4 If the parties do not reach a solution between themselves after discussions with the conciliator, then he or she may suggest to the parties some opportunities for settlement.
- 4.5 If a solution is found, then the conciliator will record that solution in writing and send it to the parties in the form of a simple, Confirmation of Outcome Statement (the Statement), for signature. The parties must sign and return the Statement to the administrator within 7 days. Upon receipt of both signed copies of the Statement the administrator will advise the parties accordingly and they must then take action to comply with the agreed outcome.
- 4.6 The administrator will provide a copy of the signed Statement to the parties and a copy to the member (on a confidential basis) or confirm to the member that the Statement was not returned.
- 4.6 If either party does not sign or return the Statement to the administrator within 7 days, then it has no effect. The parties may then choose to go to arbitration or to the court. If the parties choose arbitration under the TrustMark Arbitration Scheme, then the application form for arbitration must be submitted to the administrator within 28 days from the original issue of the Confirmation of Outcome Statement.

5 Costs

- 5.1 The administrator will invoice the parties the sum of £200 plus VAT each when sending them the Statements. The fee is due to the administrator regardless of the signing of the Statement.
- 5.2 The parties shall bear their own costs of the conciliation regardless of the outcome.

6 Confidentiality

- 6.1 The proceedings will be kept confidential except as required or permitted by these rules and the law.
- 6.2 The administrator may gather and retain details, in summary form, of individual cases and, while preserving the anonymity of the parties, may make the summaries available to other conciliators as a resource in order to encourage consistency of practice under these rules. The administrator may also publish statistical and outline information on such disputes whilst preserving the anonymity of parties.

7 General

- 7.1 The administrator may appoint a substitute conciliator in the event of the original conciliator becoming incapacitated, or for any reason being unable to attend competently and / or expeditiously to his duties.
- 7.2 These rules are subject to revision and amendment from time to time. The edition of the Service Rules in force at the time the dispute arises shall govern any conciliation under the Service.
- 7.3 Neither the conciliator nor the administrator shall be liable to any party for any act or omission in connection with the conciliation conducted under the Procedure.
- 7.4 If any party has a complaint about the Procedure, or the conciliator, or a member of the administrator's staff then the complaint should be made by following the administrator's complaints procedure. Copies of the procedure are available from the administrator or online at www.drs-ciarb.com.