

The Postal Redress Service (POSTRS) Rules (2011 edition)

These rules apply to applications we receive on or after 21 January 2011. You should read them together with our 'Information for Customers' guide.

1 Introduction

- a We, IDRS Ltd, provide the Postal Redress Service ('the scheme') for member companies that provide licensed postal services, and their customers. There is a full list of member companies at **www.postrs.org.uk**.
- b You can use the scheme if you are a customer of a member company (that is, if you send or receive licensed services the member company provides).
- c You can use the scheme if:
 - you have not been able to settle a complaint with the company after putting it through their formal complaints procedure;
 - you believe that the company did not follow their complaints procedure when they dealt with your complaint;
 - the company has earlier agreed, in writing, that the dispute should be settled through the scheme; or
 - you can show that you have not been able to complain to the company because you have not been able to contact them, despite trying a number of times to do so.

2 What the scheme covers

- a The scheme is an informal and independent way to settle a dispute between you and the company.

- b An independent adjudicator appointed under these rules will make a decision on the dispute by considering the information they receive from you and the company.
- c The adjudicator can ask for extra information on any matter if they need this to settle the dispute in a fair and reasonable way and in line with the law.
- d We manage all disputes considered under the scheme and we are responsible for appointing adjudicators.
- e You do not have to use the scheme to settle a dispute. If you do use the scheme, the company does not have a duty to accept the adjudicator's decision until you tell us that you accept it. You must do this within four weeks of the decision being made. If you do not accept the decision within four weeks, it will no longer be valid. This means that neither you nor the company will have a duty to take any action the adjudicator has decided. It also means that neither you nor the company can accept the decision at a later date.
- f You do not have to pay anything to use the scheme.
- g You can use the scheme to settle disputes about:
- licensed mail you have received from a licensed postal services provider; and
 - licensed mail products or services you have bought from a licensed postal services provider, except for those mail products or services for which you have a contract with the member company.
- h The dispute must be between a customer and one or more of the member companies.
- i The dispute cannot involve a claim for an amount of more than is set out in the terms and conditions that apply to the product or service you have used.
- j The dispute must not be the subject of existing or previous court action.
- k If the dispute is about something that is not covered by these rules, the company can agree to use the scheme but does not have to.
- l Putting a dispute through the scheme does not take away your duty to pay the company any other amounts you owe and which are not being disputed.

3 Applying to use the scheme

- a If you want to put a dispute through the scheme, you must fill in and return an application form. These are available from us and on our website at www.postrs.org.uk. If you need help filling in the form, you can contact us in a number of ways, including by e-mail or by phone. If we help you to fill in the form by using information you have given us, we will send the form to you to check, sign and return to us. You can also ask someone to make an application on your behalf. We will independently confirm whether this person has the authority to apply for you.
- b You cannot apply to the scheme unless:
- you have put a complaint through the company's formal complaints procedure and the maximum time limit the company gives to complete the procedure (including any extension of that time limit that they have agreed to) has passed, without your complaint having been dealt with;
 - you believe that the company did not follow their formal complaints procedure when they dealt with your complaint;
 - the company earlier agrees, in writing, that the dispute can be settled through the scheme; or
 - you can show that you have not been able to complain to the company because you have not been able to contact them, despite trying a number of times to do so.
- c You must apply to the scheme within nine months of first making your formal complaint to the company. We can extend this nine-month period in exceptional circumstances if both you and the company agree or if, in the adjudicator's opinion, the company has acted unreasonably to delay handling the complaint.

4 The adjudication procedure

- a The adjudication procedure begins when we receive your claim.
- b Your application must give reasons for the claim and, in particular, should include the following details.

- The service the dispute is about.
- The exact issues which are being disputed.
- The reasons why you are making a claim or trying to get an issue sorted out.
- The reasons why you are claiming for an amount of compensation, including any amount you are claiming as compensation for inconvenience.

To support your application, you should include any documents that are relevant to the complaint, including letters, e-mails, records of phone calls you made or received, or other letters and contact between you and the company.

c When we receive a valid application, we will send the company a copy. The company then has 14 days from the date they receive the claim to give us two copies of their response.

- If we post the application to the company, we will consider them to have received it two working days after the date we posted it.
- If we send the application to the company by e-mail before 4pm, we will consider them to have received it the same day. If we e-mail the application after 4pm, we will consider them to have received it the next working day.

In very exceptional circumstances, the company can ask us to extend the deadline for giving their response by another seven days (so they would have up to 21 days to give us their response).

If the company does not give us their response within the time allowed, we will appoint an adjudicator to consider only the information you have provided. We will write to you and the company to confirm the adjudicator's decision.

d At this stage of the adjudication, the company can try to agree a settlement with you. If this happens, you and the company will have 14 days to do so. We cannot extend this period unless the appointed adjudicator agrees.

If, within the 14 days, the company tells us in writing that they have settled the claim and gives us written details of the settlement, we will ask you to confirm that you have accepted

the settlement and withdrawn your claim.

- e The company must take the agreed action under the settlement, normally within four weeks of the date the company told us about the settlement. You and the company may agree a different period that would be reasonable in the circumstances, and the company must tell us that when they tell us about the settlement. If the company does not take the agreed action in time, we will open the case again (if you ask us to) and give the company seven days to respond to the claim.
- f If you and the company fail to agree a settlement at the previous stage, or if the company does not keep to the settlement, we will send you a copy of the company's response when we receive it. You then have seven days to give us any comments on the company's response. These comments must only be on points raised in the company's response and must not introduce any new matters or evidence. At the same time, we will appoint an adjudicator and give their details to you and the company.
- g If you make any comments on the company's response, we will send a copy of those comments to the company (this is for their information only). If the company wants to respond to any of your comments, they can. However, the adjudicator may refuse to take these comments into account.
- h As part of their investigation, the adjudicator may contact you and the company (by phone, fax, letter or e-mail) to ask for any further documents or information they need to make their decision. We will send copies of any extra information or document to the other side involved in the dispute. If you or the company do not provide the necessary information within the time set by the adjudicator, the adjudicator may settle the dispute by considering only the information they have already been given.
- i The adjudicator will make a decision on the matter (usually within six weeks of the application being made), unless:
- you accept a settlement the company has offered; or
 - the company gives you everything you have claimed for on the application form.
- j In all cases, we will send you and the company written details of the outcome of the adjudication procedure and the decision, including the reasons for the decision.

- k If the adjudicator makes a decision on the matter (rather than you accepting the company's offer or the company providing what you have asked for), you have four weeks to confirm whether or not you accept the adjudicator's decision.
- l The company will only have a duty to keep to the adjudicator's decision if you accept the decision within four weeks. The decision cannot be appealed against – it can only be accepted or rejected and only by you.
- m If you or the company want original documents or other evidence back, you or they must ask for them within four weeks of the date of the adjudicator's letter setting out the outcome of the adjudication procedure. Otherwise, we will destroy the documents and dispose of any other evidence. Whoever is asking for the return of documents or other evidence must pay the postage for them.
- n If the adjudicator decides that either you or the company should pay an amount to the other, and you accept the decision, the payment must be made within four weeks of you accepting the decision. If the company must make a payment to you, they must pay you direct and tell us that they have made the payment.
- o If the adjudicator decides that the company must take any other action and you accept that decision, the company must take that action within four weeks and tell us that they have done so. If they cannot take the necessary action within four weeks, they must tell you and us why that is and give a date for when they will have finished taking the action.
- p We will keep a record of the outcome of the adjudication procedure to monitor and report on how effective the procedure is.

5 The adjudicator's powers

- a The adjudicator will be fair and unbiased throughout the adjudication procedure and will make a decision that is in line with the relevant law and any relevant regulations. They will act quickly and efficiently, settling the dispute in a fair and reasonable way.
- b The adjudicator may refuse to consider documents or other evidence not provided within the set timescales if a delay may prevent the decision from being made within six weeks.
- c Only the adjudicator can decide whether they can settle a dispute.

d The adjudicator can do the following:

- Change time limits for you and the company to provide comments, and set time limits for you and the company to provide any extra information the adjudicator needs.
- Allow you or the company to provide further evidence, or change any previous comments or details of the claim (but not the amount claimed on the application form).
- Order the customer or the company to provide goods, documents or property for the adjudicator to inspect.
- Make any necessary enquiries (but the adjudicator must tell you and the company about those enquiries and allow you and them to comment on the findings).
- Receive and take account of any spoken or written evidence the adjudicator thinks is relevant.
- Carry on with the procedure if either you or the company do not keep to these rules or any instructions, or if either of you do not take part in any phone call the adjudicator has arranged.
- End the adjudication procedure if it appears that the dispute cannot be settled under the scheme, or if you and the company settle your dispute before the adjudicator makes a decision. (If you and the company settle the matter yourselves, the company must immediately give us written details of the settlement.)
- Continue the adjudication procedure however they think is appropriate if you or the company do not provide any information they have asked for.
- Base their decision on the information you have provided, if the company does not respond to the copy of your claim in time.

e If the adjudicator agrees with your claim, they can tell the company to do any or all of the following.

- Give you an apology or explanation.
- Give you a product or service, or take some practical action that will benefit you.

- Pay you any compensation that you have claimed on the application form, up to the limits set in the terms and conditions of the product.
- Pay you an amount for any inconvenience you have suffered as a result of how the company handled your complaint, up to the amount claimed on the application form (which must be no more than £50).

f After considering the evidence, the adjudicator may decide that a claim made against one company came about as a result of something another member company did or failed to do. Having made this decision, the adjudicator can find the other company to be at fault and order that company to take appropriate action, provide a product or service, and pay you compensation (if relevant). Before publishing their decision, the adjudicator must give the other company an opportunity to respond and consider that response. If the adjudicator confirms that the second company is at fault, the adjudicator must, when publishing their decision, tell us to transfer the charge for the case fee to that company.

g The adjudicator can dismiss the claim and tell you to make a payment to the company or carry out any other action that is appropriate. You do not have to take the action they suggest.

6 Our powers

a If you do not provide anything that we need under these rules, and do not provide it within seven days of getting a reminder from us, the following will apply.

- If you do not return the application or supporting documents, we will assume that you do not want to go ahead with the matter.
- If you fail to confirm to us that you have accepted the settlement, we will assume that you have accepted the settlement and do not want to go ahead with the matter. We will then close the case. If you later tell us that you did not accept the settlement and that you want to continue with the matter, we will open the case again.

7 Costs

a The company must pay our fees.

- b You and the company must pay your own costs to prepare and put forward your cases. You and they cannot take any legal action to recover these costs.

8 Confidentiality

- a We, the company and the adjudicator will not give specific details of the procedure or the decision (including the reasons for it) to any person not involved in the procedure, unless this is necessary to enforce the decision or unless we have a duty to do so in line with the relevant regulations.
- b Despite rule 8a, when you and the company agree to have your dispute settled under the scheme, you and they give us permission to gather, keep and publish statistics and other information on the dispute, as long as this information does not identify you or them.

9 Other rules

- a If necessary, we will appoint a substitute adjudicator and give you and the company their details.
- b We cannot enter into long discussions on a decision made under the scheme.
- c If you or the company has a complaint about the scheme, the decision made, the adjudicator or a member of our staff, you or they should go through our standard complaints procedure. You can get copies of the procedure from us.
- d We may update the scheme from time to time. We will settle disputes according to the rules in force at the time you apply to use the scheme.