

THE ASSOCIATION OF LANDSCAPE INDUSTRIES (BALI) COMPLAINTS PROCEDURE (OPPORTUNITY TO IMPROVE)

Please note: Most complaints are due to a breakdown in communication. Please ensure you have exhausted every possible course of action before referring the complaint to BALI.

Any customer can lodge a complaint against one of our members by firstly sending as much detailed information as possible to BALI HQ addressed to the Chief Executive at Landscape House, NAC, Stoneleigh, Warwickshire CV8 2LG (see below 'In all cases reported to BALI').

The BALI Complaints Committee will review the Complaint. The Committee is chaired by the Chief Executive and others who have experience/expertise in the relevant area.

IN ALL CASES REPORTED TO BALI:

For progress to be made in dealing with a complaint promptly, the following evidence should be enclosed:

- ***Completed complaints form***
- ***Photographs***
- ***Contractual evidence***
- ***Specifications***
- ***Any other information that will support the allegations***

When BALI has received all the necessary information, we will acknowledge receipt of the above in writing. The Member will also be informed in writing and be asked to complete a form so that they can respond to the allegations.

We do not accept instructions or complaints verbally, though we will discuss the case in general terms to assist the client in making a decision as to whether or not to proceed to the formal complaints procedure. Very often, parties have made little or no attempt to resolve the dispute, with the consumer opting to proceed with a formal complaint and the contractor often doing little to avoid this course of action. This is counter productive. We will therefore always recommend that communication between both parties about problems should be the initial step.

Conciliation

BALI will offer both parties a conciliation service **free of charge to be carried out by Association staff**. The conclusion of conciliation will be confirmed in writing to both parties. Recommendations arising from conciliation are not legally binding on the parties.

Adjudication

If the dispute cannot be resolved by conciliation then the parties can refer the matter to **Adjudication, providing both parties agree in advance to make payment to the Adjudicator for his report, findings and recommendation. Should both parties fail to agree to share costs, then the referring party will pay the Adjudicators fee**. BALI uses independent Adjudicators for this purpose. We would normally expect the BALI member or Client to abide by the findings of the Adjudicator, but should either party refuse to do so, please see below. Meanwhile, BALI will continue to liaise between Member and Client to resolve the Complaint. Adjudication cannot be offered if legal proceedings have been instigated.

What happens if either Client or Contractor refuses the recommendations of the Adjudicator?

There may be instances that either party will not agree to the findings/recommendations of the Adjudicator. Should this be the case, then it is not possible to enforce a ruling on either party. If he/she wishes to pursue the matter further through litigation, a copy of the final report will be available to both parties. The Adjudicator will also send a copy to BALI Complaints Committee. In such cases the court will, it is believed, take into account efforts made to resolve the dispute through BALI's Adjudication Procedure.

If the 'CONTRACT FOR LANDSCAPE WORKS IN CONSUMER (DOMESTIC) CONTRACT (MAY 2003) IS USED AS THE PREFERRED CONTRACT THEN THE INITIAL COMPLAINT SHOULD BE DIRECTED TO BALI (AS ABOVE). ONCE ADJUDICATION HAS BEEN INSTIGATED THE ROUTE WILL BE DIRECTED THROUGH AICA AS STATED IN THAT CONTRACT.

N.B. Once legal proceedings have been instigated, then court proceedings will take precedence until the outcome of the Court proceedings. The BALI Member should notify BALI HQ Complaints Committee in writing of the outcome of the court case within 7 days of the case being heard.