



**SECURE  
TICKETS** from  
**AUTHORISED  
RETAILERS™**

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## **PROCEDURES AND POLICIES FOR ALTERNATIVE DISPUTE RESOLUTION** *(as published 26 May 2017)*

STAR is approved as a consumer ADR body for the purposes of the Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015. This approval is granted by the Chartered Trading Standards Institute under arrangements delegated to them by the Secretary of State for the Department of Business, Energy and Industrial Strategy.



Chartered Trading  
Standards Institute

### **ADR Officials**

Jonathan Brown – Chief Executive  
Megan Conman – External Relations Manager  
*These are permanent ADR appointments*

### **Referring a complaint to STAR**

- As outlined in Section C of the STAR Code of Practice, STAR members should inform customers that they have access to a free ADR service through STAR when reaching the conclusion of their own internal complaints procedure. Details of how to contact STAR and make a complaint through ADR should be provided to the customer by the STAR member.
- Unresolved disputes may be referred to STAR by either the customer or the member involved, however the member cannot initiate a complaint against the customer.
- The customer must have first fully exhausted the STAR member's own internal complaints procedure and received their final decision on the complaint before the matter can be referred to STAR.
- From the point at which the member provides a final response on the complaint to the customer advising that they cannot resolve the dispute, the complainant will have a maximum of one-year to submit their complaint to STAR's ADR process.
- STAR can only offer ADR for disputes involving its current members. A list of STAR members is available on the website [www.star.org.uk](http://www.star.org.uk)
- STAR cannot accept complaints where court proceedings have already commenced or that are being or have been considered by another ADR body. No party is obliged to retain a lawyer or a legal advisor, but they may seek independent advice or be represented or assisted by a third party at any stage of the process.
- STAR can only accept complaints in English and all responses will be provided in English.



- STAR is able to accept complaints regarding its members originating in the UK or from any other country.
- The service is free of charge to the complainant.
- STAR does not, within this ADR process, have any jurisdiction to award compensation payments.
- Any outcome of the ADR procedure is not legally binding and does not prevent a consumer seeking redress through the courts.
- Complaints must be submitted in writing by one of the following methods:
  - Through the form provided on the STAR website at [www.star.org.uk](http://www.star.org.uk).
  - By post to:  
  
STAR  
PO BOX 708  
YORK  
YO1 0GT
  - By email to [info@star.org.uk](mailto:info@star.org.uk)

### **ADR Procedure**

1. On receipt of a complaint, STAR will acknowledge this to both parties and provide details of this ADR procedure. Step 3 (below) will be completed within **7 days** of that acknowledgement.
2. In the event of any Conflict of Interest during the process, STAR's policy on this will be followed (see below).
3. Relevant information will be requested from both parties to ensure that STAR is able to make a decision on whether or not it can handle the complaint under the ADR procedure or if there is reason for them to refuse to investigate. If STAR refuses, it will make clear the relevant permitted reason for refusal that applies to the case.

#### **Possible reasons for refusal of a complaint**

- a. Where the consumer hasn't yet attempted to raise the matter with the member first.
- b. Where the dispute is judged, in the reasonable opinion of the ADR official to be frivolous, vexatious or malicious.
- c. Where the matter has previously been considered by another certified ADR provider or by a court.



- d. Where, in the reasonable opinion of the ADR official, dealing with the dispute would seriously impair the effective operation of STAR's ADR provision.
- e. Where the dispute is about the delivery of a performance or event over which the ticket seller has no direct control rather than a ticketing issue.

Both parties must provide the required information within **28 days** of the request being sent. If the complainant requests more time to be able to submit the required information or if there is a need for any party to contact any third party that may be relevant to the complaint (for example the venue or the promoter or producer of the event to which the complaint relates), the information must be provided within a maximum **90 days**.

The information required can be submitted either online or by post and may include, but is not limited to:

- a. The evidence of ticket purchase from the Ticket Seller (for example confirmation email) including the date of purchase
  - b. The complainant's name, address, phone number and email address (the complainant must be the purchaser of the tickets named in the evidence of purchase)
  - c. The name and any other details (for example website URL) of the Ticket Seller the complainant purchased from
  - d. The title, date and time of the event that tickets were purchased for
  - e. Any unique booking reference number or case reference number relating to the transaction or complaint provided to the complainant by the Ticket Seller
  - f. Any correspondence from both parties that relates to the complaint process through the Ticket Seller, including any correspondence from third parties obtained during that process
  - g. Details of any advice sought from or provided by third parties, other ADR, government agencies or legal advisors relating to the complaint.
4. STAR will collate all this evidence to create a Complete Complaints File. Once created, STAR will review and aim to respond to both parties within **7 days** to confirm whether they will accept or refuse to deal with the complaint. If the complaint is complex and STAR needs more time to review the Complete Complaints File, STAR may extend this initial response period to **21 days** but will notify all parties of this fact within **7 days**. During the initial review period, STAR may request further information or evidence from either party.
5. Documentation provided by either party may be shared with the other party on request.



6. If STAR accepts the complaint, details of the ADR procedure and a reminder of key information that both parties must be aware of will be provided, including:
  - a. That the final outcome may not reflect that which may be reached in a court
  - b. That any decision made is not legally binding and should only be seen as a recommendation
  - c. That the ADR process does not prevent the complainant seeking redress through the courts
  - d. No party is obliged to retain a lawyer or a legal advisor, but they may seek independent advice or be represented or assisted by a third party at any stage of the process.
  - e. That, on request or as judged by STAR to be helpful to the process, STAR will relate to either party any comments, facts, evidence, documents or arguments submitted by the other party and provide an opportunity for these to be responded to
  - f. That either party has the right to withdraw during the process and must state if they wish to do so. STAR members may not exercise this right and are obliged to remain in the ADR process until conclusion.
7. STAR will proceed to investigate the complaint with the information provided and notify both parties of the outcome of the procedure within **90 days** of the receipt of the Complete Complaints File.
8. If either party has sought to deliberately mislead STAR on matters relating to grounds for refusal, STAR may refuse to deal with the dispute after the deadline for refusal has passed.
9. The outcome of the ADR procedure will be notified to both parties on a durable medium and will include details of the grounds on which the outcome is based.
10. If the complaint relates to an alleged breach of the STAR Code of Practice then the complaint will be escalated in line with the procedures for dealing with non-compliance outlined in Section E of the STAR Code.
11. Following the investigation and summary of findings, STAR will provide recommendations to both parties and mediate between the two if there are several recommendations to be considered, or if parties cannot agree on findings and recommendations. STAR would at this point reiterate the key information outlined at 5 above.
12. If it is not possible to resolve the complaint through ADR, STAR will recommend that, if the Customer wishes to pursue the complaint, this is done through the Courts.





## Conflicts of Interest Policy

A Conflict of Interest is defined as any matter which might affect the independence or impartiality of an ADR official or that a third party might perceive would do so.

This does not relate to the usual business of STAR and its work with its membership, but perhaps to a personal connection with any party in the dispute or some detail of the dispute.

Should any ADR official become aware of a Conflict of Interest they will:

- 1) Notify the other ADR official who will then take over the dispute
- 2) Record the matter in the relevant log. The number and percentage relevant to total disputes that have triggered a Conflict of Interest will be included in the annual report.

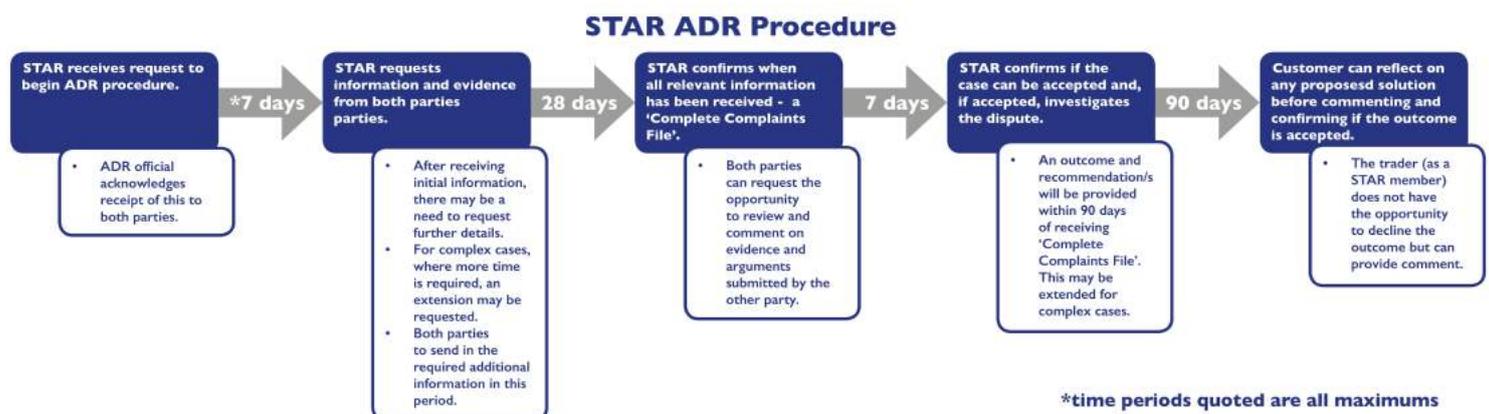
In the event that the other ADR official is also unable to proceed because of a Conflict of Interest then a request will be made to both parties that they refer their complaint to another approved ADR body competent to deal with it, for example, The Retail Ombudsman.

Where this is not possible, a declaration will be made to the parties as to the circumstances of the Conflict of Interest declared by the ADR official and that they have a right to object to that official continuing to handle their dispute. STAR will only continue to deal with the dispute if no party objects to those circumstances.

Should any disputes through STAR be discontinued because of a Conflict of Interest, this will be recorded in the relevant log and the number of incidences, percentage relevant to total disputes and reasons for discontinuance will be included in the Annual Report.

## Timescales

In summary, the procedure can be divided into 5 stages.



### **Independence of ADR Officials at STAR**

The Chairman and Directors of STAR confirm that all staff employed with responsibility as ADR officials are supported by the STAR Council to work with complete independence and impartiality from any influence of the STAR membership or the Council.

STAR provides customers with fair, proper and unbiased access to ADR in respect of disputes with our members.

To that end, salaries for all STAR staff, including those with responsibility as ADR officials, are ring-fenced in the annual budgets considered and approved by the STAR Council.

### **Annual Report**

The annual complaint report will be published each year from 2018 onwards on the STAR website. STAR will not publish specific details of complaints, parties involved or the outcome of complaints. All reports published and supplied to the competent authority (CTSI) will be anonymised but will show numbers trends in complaint types and outcomes.

