

ADR Internal Statement of Compliance Annual and Quarterly Reporting

Reporting period - 1 Nov 2018 – 31 Oct 2019

Name of ADR Provider – BACTA ADR Service

Background:

Type of ADR offered (e.g. mediation, adjudication, etc)	Principally adjudication that might involve some mediation
Number of employees as ADR officials	Two
How are dispute outcomes reached? (e.g. panel decision, individual mediator, etc)	The judgement of evidence provided to the ADR official. Case papers submitted to bacta ADR Service panel where the ADR outcome is contested by either party.
If outcome is reached by panel decision, please explain who makes up the panel?	ADR Coordinator, ADR Controller, Legal Advisor Consumer Protection Officer
How is the ADR funded?	Bacta ADR Service is funded by trade association subscriptions with no fees charged to consumers

As a competent authority for the gambling sector we approve alternative dispute resolution (ADR) providers that wish to offer services to gambling consumers. Our role as competent authority includes making sure that ADR providers continue to meet the requirements of the ADR Regulations, alongside our role as gambling regulator to make sure that gambling is fair and open. The Gambling Commission expect ADR providers in the gambling industry to meet the requirements of the [ADR Regulations](#) and our [additional standards](#).

Internal statement of compliance

Please demonstrate how your organisation and your ADR process complies with the requirements of the ADR Regulations and the Commission’s standards for ADRs in the following areas:

Statement	Response
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<p>ADR Services offered by the body Please demonstrate how you meet the requirements of the ADR Regulations Schedule 3, section 1. As part of your answer, explain how you ensure that stakeholders know why the scheme exists, what it does and what to expect from it (Ombudsman Association six principles of good governance, Clarity of Purpose).</p>	<p>Bacta ADR Service offers alternative dispute resolution services in respect of unresolved complaints about gambling transactions in adult gaming centres, family entertainment centres, bingo halls, pubs and clubs.</p> <p>The entity does not act in cross-border disputes, neither are its officials remunerated directly by a gambling operator (trader) who is a party to a dispute.</p> <p>Consumers are aware of why the service is offered, and what to expect from it, as the process and procedure is made clear in the operators' complaints policy and procedure document provided to consumers at the initial stages of the complaints process. Complainants seeking to use the service are also directed to the entity's website for more comprehensive detail.</p>
<p>Access to the ADR body Please demonstrate how you meet the requirements of the ADR Regulations Schedule 3, section 2. As part of your answer please explain how you consider the needs of vulnerable consumers (Commission standards, p24), and comply with other legislation such as GDPR.</p>	<p>Bacta ADR Service maintains an up-to-date website which provides the parties to a domestic dispute with information regarding the alternative dispute resolution procedure operated by the service with detail provided to a consumer on a durable medium if requested.</p> <p>The service ensures that its website enables a consumer to file an initial complaint submission and any necessary supporting documents online or by post. In addition, the service enables the exchange of information between the parties via electronic means or, if a party wishes, by post;</p> <p>Bacta ADR service does not act in on-line gambling disputes.</p> <p>Bacta ADR carries out an initial assessment of the circumstances of the dispute as outlined by the complainant. This assessment is carried out orally, by telephone and on receipt of written documentation. ADR officials attempt to identify complainants who are vulnerable through mental disorder or lacking capacity. ADR officials have also received extensive training from Beacon Counselling and ARA (Gamcare providers) in how to interact and communicate with problem and at-risk gamblers. They are able to understand the impact on affected others and signpost as appropriate towards self- exclusion or Gamcare providers.</p> <p>Under GDPR data protection principles as an organisation we are compliant with the five principles under article 5.</p>

<p>Expertise Please demonstrate how you meet the requirements of the ADR Regulations Schedule 3, section 3(a). As part of your answer, please document any training or qualifications that your ADR officials undertake, the frequency of this, and whether there are refresher sessions for officials, and any experience in dispute resolution that officials have.</p>	<p>Bacta ADR Service ensures that its ADR officials possess a general understanding of the law and the necessary knowledge and skills relating to the out-of-court or judicial resolution of consumer disputes, and are able to carry out his or her function in a competent and efficient manner. The entity's officials – all of whom have a wide range of proven experience dealing with disputes - undergo a comprehensive initial training session provided by a compliance manager under the guidance of a regulatory lawyer. Refresher training is carried out at three-monthly intervals or less when appropriate.</p>
<p>Independence Please demonstrate how you meet the requirements of the ADR Regulations Schedule 3, section 3(b), (d), (e), (g) – (h). As part of your answer, please explain how you ensure and evidence the freedom of the office holder from interference in decision making (Ombudsman Association six principles of good governance, Independence), and how you are transparent about the way you are funded (Commission standards, p18).</p>	<p>Bacta ADR Service appoints each ADR official for a term of office of sufficient duration to ensure the independence of that person's actions and provides that no ADR official can be relieved of his or her duties without just cause. It remunerates its official in a way that is not linked to the outcome of the alternative dispute resolution procedure. In appointing more than one ADR official, the entity ensures that an ADR official, without undue delay, discloses to the service a circumstance that may, or may be seen to affect his or her independence or impartiality; or give rise to a conflict of interest with a party to the dispute which the ADR official is asked to resolve. A process is in place supervised by a qualified company secretary and a compliance manager to ensure that ADR officials do not interfere in decision making. Bacta ADR Service is transparent as to how it is funded by trade association subscriptions with no fees charged to consumers.</p>

<p>Impartiality Please demonstrate how you meet the requirements of the ADR Regulations Schedule 3, section 3(c), (e), (f), and section 4. As part of your answer, please explain how you ensure straightforward dealing and completeness, based on honesty, selflessness and objectivity and ensuring high standards of probity and propriety (Ombudsman Association six principles of good governance, Integrity). Please also explain how your conflicts of interest procedure meets the requirements of the ADR Regulations, Schedule 3, section 4. This should include how you ensure that parties to a dispute fully understand the process where a conflict arises, and how you ensure that any ADR officials who work part-time in another capacity are not conflicted by their non-ADR duties (Commission standards p19).</p>	<p>Bacta ADR service is satisfied that the listed officials possess a good understanding of the law and the necessary knowledge and skills relating to resolution of consumer disputes, in order to be able to conduct their functions appropriately.</p> <p>The listed officials discharge their duties without bias to either party in dispute, or their representatives, and will disclose any circumstances that may, or appear to, affect their impartiality or independence, or give rise to a conflict of interest with a party to the dispute.</p> <p>In the event of a conflict of interest arising, both parties will be notified in writing to this effect and the case will be passed to an alternative listed official for action. If the listed official cannot be replaced by another official, the listed official will refrain from conducting the ADR procedure and will, wherever possible, propose to the parties that they submit the dispute to an alternative ADR entity, which is competent to deal with it.</p> <p>Listed officials are not remunerated in a way that is linked to the outcome of the ADR procedure; there is an independent accounting structure to enable listed officials to carry out their functions.</p>
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<p>Transparency</p> <p>The ADR Regulations require you to publish information on your website (ADR Regulations Schedule 3, section 5), and we will check your website for this information. We also expect you to publish performance data and specific information on your methods and timescales as part of our standards. Explain how in general you ensure openness and transparency in your scheme in order that stakeholders can have confidence in the decision making and management processes of the scheme (Ombudsman Association six principles of good governance, Openness and transparency), and how all members of the scheme are seen to be accountable and responsible for their decisions and actions (Ombudsman Association six principles of good governance, Accountability).</p>	<p>Bacta ADR Service maintains and keeps an up-to-date website - reviewed and amended from time to time - so that the parties to a dispute are provided with information regarding the alternative dispute resolution procedure, including:</p> <ul style="list-style-type: none"> (a) the postal and e-mail addresses; (b) a statement that it has been approved as an ADR entity by the Gambling Commission; (c) the type of domestic disputes it is competent to deal with, including any financial thresholds which apply; (d) the procedural rules of the alternative dispute resolution procedure operated by it and the grounds on which it can refuse to deal with a given dispute; (e) the language in which the alternative dispute resolution procedure can be conducted; (f) the principles that the service applies, and the main considerations the body takes into account, when seeking to resolve a dispute; (g) the preliminary requirements that a party to a dispute needs to have met before the alternative dispute resolution procedure can commence; (h) a statement as to whether or not a party to the dispute can withdraw from the alternative dispute resolution procedure once it has commenced; (i) any requirements, if any, that a party to a dispute needs to have met before the alternative dispute resolution procedure can commence; (j) the preliminary requirements, if any, that a party to a dispute needs to have met before the alternative dispute resolution procedure can commence; (k) The average length of time taken to handle an ADR case to conclusion; (l) the legal effect of the outcome of the dispute resolution process, including whether the outcome is enforceable and the penalties for non-compliance with the outcome, if any; (m) a statement as to whether or not alternative dispute resolution procedures operated by
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	<p>the service can be conducted by oral or written means (or both);</p> <p>(n) annual activity and financial account reports</p> <p>It is of paramount importance that stakeholders are ensured that the ADR process is carried out in a transparent and open manner without prejudice to either party. Documents submitted by either party are provided to the other on a durable medium.</p> <p>Both parties to a dispute are, on conclusion of the process, invited to complete a customer satisfaction survey.</p>
<p>Effectiveness Please demonstrate how you meet the requirements of the ADR Regulations Schedule 3, section 6. As part of your answer, please explain how you ensure that the scheme achieves its outcomes efficiently and represents good value for money (Ombudsman Association six principles of good governance, Effectiveness). You should also demonstrate how you meet the decision/outcome quality standards (Commission standards, p19), and the process you have put in place for an audit/review of dispute outcomes, service standards and service quality (Commission standards, p18).</p>	<p>Bacta ADR is available and accessible to both complainants and operators via the bacta ADR website and is also on a durable medium if requested. Neither party in a dispute is obliged to obtain independent advice or be represented by a third party but may do so if they require. The ADR is available to complainants free of charge. The ADR also notifies both parties on receipt of relevant documentation and on the outcome of the dispute within 90 days of receipt of the relevant documentation.</p> <p>Before reaching an outcome, we examine thoroughly all evidence presented, identify further enquiries and provide information to both parties as appropriate.</p> <p>In reaching an outcome we take full account of the information provided as well as the interpretation of legislation and consumer protection. Both parties will have been made aware of the case to be answered and have had a fair opportunity to make their case. Bacta ADR shows no bias to either party during a dispute.</p>

<p>Fairness Please demonstrate how you meet the requirements of the ADR Regulations Schedule 3, sections 7-10. As part of your answer, explain how you ensure that your dispute process takes account of the balance of power within a dispute, particularly around sharing evidence with parties to a dispute (Commission standards p18).</p>	<p>Bacta ADR ensures that within a reasonable period of time:</p> <ul style="list-style-type: none">• Either party can express their point of view• Provide a party to a dispute with argument, evidence, documents and facts provided by the other party including a statement or opinion by an expert.• Comment from either party can be provided. <p>Bacta ADR informs parties of the following:</p> <ul style="list-style-type: none">• A legal advisor is not required but they may seek independent advice or be represented/ assisted by a third party.• The outcome of the ADR procedure on a durable medium and the grounds on which the outcome is based. <p>Bacta ADR ensures that parties involved:</p> <ul style="list-style-type: none">• Are able to withdraw from the process if they are dissatisfied with the performance or operation of the procedure.• Are informed before the procedure commences of their right to withdraw from the process at any stage.• Are informed before agreeing to or following the proposed solution that they have a choice whether or not to agree and that if they take part in the process it does not preclude them from seeking redress through the courts. Further that the proposed solution may be different to those determined by a court and that they are given a reasonable time to reflect to come to any decision. <p>Bacta ADR informs traders and those bound by their trade association rules that they cannot withdraw from the ADR procedure. There are distinctions between those bound to participate and those bound to accept the solution.</p> <p>Bacta ADR takes into account customer needs when requesting or sharing information. Information is provided clearly and tailored to the consumers level of understanding. This takes into account the balance of power or the perception of balance of power within a dispute. We particularly focus around the needs of those individuals who are unfamiliar with gambling, have literacy problems or may be vulnerable through mental disorder or lacking capacity.</p>
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<p>Legality Please demonstrate how your process meets the requirements of the ADR Regulations, Schedule 3, section 11.</p>	<p>Bacta ADR ensures that in relation to the alternative dispute resolution being imposed on consumers where there is conflict or no conflict with existing legislation the consumer is not deprived of normal consumer protection.</p>
<p>General Please tell us about any changes you have made to the delivery of your dispute resolution process since your last report. What has been the impact of the changes? If you would like to share any additional information or comments (beyond that required by your ADR Regulations-specified annual report) then please comment below.</p>	<p>No changes made.</p>

Quarterly/Annual reports

Quarterly reporting periods end 31 January, 30 April, 31 July and 31 October

Annual reporting periods 1 October.

Please submit your reports to your nominated Licensing Account Manager within 10 working days of the end of the reporting period.

Annual report information must be displayed on your website by 1 November each year, as per the ADR Regulations.

ADR provider quarterly/ annual reporting

ADR provider	BACTA ADR Services
Reporting Period	1 Nov 2018 – 31 Oct 2019
Quarterly return only*	

*if Nil Return, then please submit your quarterly return now.

a) No of domestic & cross border disputes received	Domestic	10
b) Numbers of each type of complaint <i>Please list the actual number of each type of complaint you received.</i>	Cross Border	N/A
c) Total number of disputes the provider refused to deal with <i>% share of the grounds set out in para 13 Schedule 3 of the ADR Regulations</i>	6	Adult Gaming Centres – 3 Bingo – 2 On – line (misdirected) - 5
		Consumer not contacted trader first N/A Dispute is frivolous/vexatious N/A

		Dispute is being/has been considered by another ADR provider/court	N/A
		Value is outside the provider's monetary thresholds	N/A
		complaint not submitted within time period	N/A
		dealing with the dispute would impair the effective operation of the body	N/A
		not the relevant gambling sector	83%
		GC regulatory matter only (not a dispute)	N/A
		Discontinued for non-operational reasons (e.g., party withdrew)	17%
d)	% of ADR procedures discontinued for operations reasons	% reasons for discontinuation if known	N/A
e)	Average time taken to resolve disputes in days	Domestic	68
		Cross Border	N/A
f)	no of disputes completed in period		4
g)	% completed disputes ruled in operator's favour		75%
h)	% completed disputes ruled in favour of the consumer		0%
i)	% completed disputes settled by the operator during the ADR process		25%
j)	average length of time taken to receive complaint file from operator (days)		6 days

Items (f) to (j) are part of the Commission's additional standards and not a requirement of the ADR Regulations.

For annual report only - note that all fields relating to the annual report must be displayed on your website by 1 November each year.

k)	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;	Mainly related to gaming machine performance in respect of monetary prize payments referred to as return to player (RTP)
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<p>l) 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</p>	<p>Machine messaging</p>
<p>m) the rate of compliance, if known, with the outcomes of the alternative dispute resolution procedures;</p>	<p>100% compliance from operators</p>
<p>n) the co-operation, if any, of the ADR entity within any network of ADR entities which facilitates the resolution of cross-border disputes.</p>	<p>Bacta has not formed any network of cooperation with any other ADR entity</p>