

## How it works

By law, Service Providers are required to signpost their customers to a government authorised consumer redress scheme. The purpose of this is to give consumers of the Service Provider an escalated complaints procedure if they are unhappy with how their complaint has been dealt with by the Service Provider.

A 'consumer' is a person who uses the service of the Service Providers.

Any customer who uses the service provided by a Cosmetic Services Provider is considered to be a 'consumer'.

The above consumers of Members of the Cosmetic Redress Scheme may be able to have a complaint dealt with by us.

There is a set of criteria which must first be met in order for a complaint to be considered by us:

1. The Professional must be a Member of the Cosmetic Redress Scheme - check the 'Member List'.
2. The Complainant must show that a formal written complaint has been sent to the Member within 12 months of the incident related to the complaint occurring.
3. The Complainant has allowed a minimum of 8 weeks for the Member to investigate the matter and respond fully.
4. After the Member's final response to the complaint or after the Complainant has waited 8 weeks from sending the complaint letter and the Complainant has not received a response, a complaint can be referred to us within 6 months of the formal letter of complaint being sent to the Member.

We are required to put these time limits in place to enable us to deal with complaints fairly and they are deemed reasonable under the Arbitration Act 1996.

## Raising the Complaint

Once the above criteria have been met, the Complainant is able to raise a complaint about the Member with us.

The complaint must be raised using our Complaint Form. When completing the form, the Complainant must explain all the reasons why the complaint is being raised, the actions that have been taken and also include all relevant evidence. This must include the letter/email of complaint and if applicable our Member's final response. It may also include copies of other communications received from and sent to the Member, including any settlements offered and relevant contracts/agreements and associated documentation.

**There is no charge to the complainant for raising the complaint with the Cosmetic Redress Scheme.**

The complainant can withdraw from the Cosmetic Redress Scheme complaints process at any point.

## Accepting the Complaint

The Cosmetic Redress Scheme can only consider a complaint if it is in relation to the act or omission of the Member, and fall under the following criteria:

1. A breach of the Member's obligations under the law;
2. When legal rights have been impinged or breached by a Member
3. When a Member has not acted in accordance with a Code of Practice it has signed up to
4. When a Member has not administered a transaction as efficiently as would be expected
5. Unfair treatment of the complainant by the Member; including, but not limited to:
  - Rudeness or discourtesy
  - Not explaining matters
  - Poor or incompetent service
  - Avoidable delays

The Member's actions must have resulted in the complainant suffering a financial loss, or unnecessary aggravation, distress and/or inconvenience.

If the Complainant does not respond to reasonable requests made by the Scheme then we may suspend or close the case.

## The Complaint Process

The complaint process is as follows. All timescales are subject to reasonable change depending on the circumstances of the complaint.

1. A Case Assessor will first check the validity of the complaint.
2. If the Case Assessor believes that the matter requires the consideration of our Member then the complaint form and evidence will then be sent to our Member. The Member will be given the opportunity to resolve the complaint directly with the complainant or send a rebuttal to the complaint and evidence to the Scheme within approximately 10 working days.
3. At this stage the Case Assessor will decide if the case should progress. If not the Case Assessor will explain the reasons why to the parties. If the complaint is to proceed the Case Assessor will prepare a Resolution Plan. The plan will include the collation of any extra relevant evidence and set out attempts to resolve the matter. Generally, this process will take approximately 20 working days. If at the end of the Resolution Plan there is no resolution to the complaint, the file will be passed to an Ombudsman or the case may be recommended for a more formal mediation.
4. The Ombudsman or mediator will then resolve the case within approximately 20 working days.

If the Complainant agrees to the Ombudsman's decision then the Member will be bound by the findings of the decision. If

a Complainant does not accept the decision then the Member will not be bound by it but the Complainant can still choose to resolve the matter through the courts.

## Rejecting a Complaint

We may not investigate a complaint or shall discontinue the investigation of a complaint if:

- at any time it appears it is more appropriate for the complaint to be dealt with by a Court or under another independent complaints, conciliation or arbitration procedure (such as the First Tier Tribunal)
- the complaint is already being or has been considered by a Court, or under another independent complaints, conciliation or arbitration procedure.
- the complaint does not have a reasonable prospect of success or is considered to be frivolous or vexatious.
- the complainant has not fulfilled their obligations under a contract or agreement such as paying disputed fees (this is to prevent legal action being taken as we are unable to accept a complaint when legal proceedings have/will be issued).

If the other resolution body has not considered all aspects of the complaint or if that body is not designed to offer financial compensation to the complainant, we may resume consideration of the complaint after that body has provided its decision on the matter (including court order). We will consider extending the 6 month deadline to raise the complaint in this situation, however the complaint must be raised with us within a reasonable period of time.

In all cases, we will provide the Complainant and Member with written reasons of any decision made.

## Making a Decision

The matter may be resolved by mediation which means the parties have negotiated a settlement. The settlement agreement will be legally binding on the parties.

If the complaint proceeds to an Ombudsman then he may request further evidence. If a request for information or evidence is made and the complainant or Member does not respond within the period set out, the Ombudsman will not be compelled to consider any information or evidence provided late.

He will make his decision based on the evidence provided and any relevant Code of Practice connected with the Member, terms and conditions agreed by the parties, the law (including consumer law) and also what is fair, just and equitable in the circumstances of the specific case in question.

The burden of proof for any decision made will be on the 'balance of probabilities'.

The Ombudsman may also request the parties attend a face to face hearing or mediation if he feels that is the best way to resolve the complaint.

If, after analysing the complaint and evidence provided by both parties, the Ombudsman believes he is unable to make a decision on the complaint then he will explain to the parties that he cannot make a decision and give his reasons why.

## Response to Decision

The complainant will have 15 working days to accept or reject the decision.

If the complainant agrees with the decision made by the Ombudsman, the decision will be delivered to the Member who will need to take appropriate action in accordance with the decision.

If the complainant informs us that they do not agree with

the decision made by the Ombudsman within 15 working days of the notification or does not respond to us within 15 working days of notification of the decision then the complaint file will be closed and no further action will be taken by us.

If the complainant agrees with the Ombudsman decision then it is final and binding and the Member who must adhere to the findings of the decision.

## Awards

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When making the decision, the Ombudsman may make an award to the complainant consisting of one or more of the following:

1. an apology
2. an explanation
3. practical action to mitigate any detriment
4. reimbursement of actual loss and/or costs incurred
5. a payment in recognition of time and trouble taken to make the complaint
6. a payment, where appropriate, for distress
7. other appropriate action suggested by the complainant or decided by the Ombudsman

Any compensation payment will be calculated based on demonstrable loss or costs and will take into account any degree to which the complainant has contributed to the failure or loss suffered.

## Cosmetic Redress Scheme

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HF Resolution Ltd  
Lumiere  
1st Floor  
Elstree Way  
Borehamwood  
WD6 1JH

 0345 362 3123  
 [info@cosmeticredress.co.uk](mailto:info@cosmeticredress.co.uk)  
 [www.cosmeticredress.co.uk](http://www.cosmeticredress.co.uk)

HF Resolution Ltd trading as  
Cosmetic Redress Scheme

Registered Office:  
1st Floor  
Lumiere  
Elstree Way  
Borehamwood  
WD6 1JH

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