



## **KSA DISPUTE AND MEDIATION GUIDELINES**

When requesting the KSA's assistance with a dispute it is important to note that the KSA is a trade association. Membership of the association is voluntary. The services offered by the KSA are available only to its members and their customers.

Disputes will only be handled by the KSA within the guarantee period of the kitchen. The KSA undertakes to investigate any legitimate complaint that is not related to abuse, wear and tear or any form of water damage. The KSA offers an informal dispute resolution service, available free of charge to members of the public in the event of a dispute arising between a KSA member and one of its customers. The process is designed to be compliant with the Consumer Protection Act and work with the Act's specification that if mediation through an industry association is available then the consumer should take it. The KSA's dispute resolution procedures are designed to avoid legal action. Should attorneys already be involved in the matter the KSA reserves the right to refuse the case.

The dispute process is initiated when the complainant completes and submits our Dispute registration paperwork. Submission of such paperwork in any format (partially completed or unsigned) constitutes the logging of a formal dispute with a KSA member and acceptance of all the terms and conditions of the KSA's management of such a dispute. Along with the Dispute Registration form the complainant should submit copies of the quote and all drawings as well as any other relevant correspondence to the case.

Fundamental to the process is that the complainant is obliged to pay into the KSA Holding Account the balance due to the KSA member. This should be done at the point of registering the dispute and the KSA will not commence with a site inspection until proof of this payment has been received. Monies paid into the Holding Account will be held in a separate banking account, and will only be released in accordance with the terms and conditions of the account as set out in our Dispute registration paperwork. Payment of funds into a neutral holding account is standard practice in any mediation process.

Once the dispute has been registered, the KSA will attempt to broker a settlement between the complainant and the KSA member. If it is not possible to reach an amicable settlement, a KSA appointed expert / inspector will be appointed to inspect each defect forming the subject of the complaint. This appointed expert is usually a competitor of the KSA member against whom the complaint has been lodged. The KSA appointed expert, acts as an expert and not an arbitrator. His opinion and recommendations are binding on both the complainant and the KSA member. At no stage will the KSA member or the complainant be entitled to select an expert. Should either party object to appointed expert, written reasons for the objection must be submitted to the KSA, prior to the inspection, before the KSA appoints another expert. The KSA appointed expert shall inspect the member's showroom prior to mediation to understand the finish and quality of the work being inspected. A mutually

convenient time for the site inspection and assessment will be arranged by the KSA. Please note that KSA inspections are conducted weekdays during office hours only. The inspection will only be conducted if the KSA member, the complainant and a representative of the KSA administration are in attendance on site.

The process is not intended to be a formal legal process, but rather an informal process designed to avoid formal litigation between the parties. It is intended to achieve a mutually acceptable correction of the defects complained of, and to then ensure payment to the KSA member. The complainant and the KSA member will be given an opportunity to identify all defects detailed in the dispute statement of claim. Rectification proposals are debated, and agreed where possible. The KSA appointed expert will then produce a formal written report of his findings together with his rectification recommendations on conclusion of the inspection. If the complainant and the KSA member have reached agreement on the rectification procedure, this, too, will be recorded in the expert's report.

On completion of his report of the KSA expert, it will be circulated to the parties who will be requested to sign the report to signify the acceptance thereof. On signature of the report by both parties, the KSA member will commence the rectification work. This will be strictly limited to those issues appearing in the report.

On completion of the work by the KSA member, the member shall give the KSA written confirmation that the rectification work has been completed in accordance with the experts recommendations, whereupon the KSA shall request that the client sign the release form authorising funds to be released from the KSA's Holding Account to its member.

If at any stage after commencement of the process and payment of the funds to the KSA holding account, the complainant refuses access to the property for the inspection or rectification work, the KSA will withdraw from the process. The parties shall thereafter follow formal legal procedures to resolve the dispute. The funds will be retained in the KSA Holding Account until legal agreement has been reached by the parties.

If the KSA member refuses to undertake the rectification work or does not do so to the satisfaction of the KSA appointed expert, a formal enquiry will be held which may lead to the suspension of the member or expulsion from the KSA. The funds held will be returned to the complainant.

All members have agreed to abide by any ruling handed down by the KSA. KSA members are required to regard a dispute as a matter of high priority and will have two days to respond in writing once notified of a complaint by the KSA. Where possible, disputes should be completed within 30 days from date of registration with the KSA. Failure by the member to act on the KSA'S ruling without reasonable explanation will result in their suspension and/or expulsion from the Association.