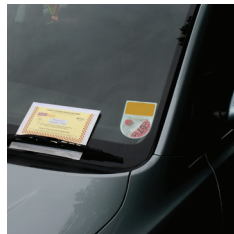


Alternatives to Court in Northern Ireland



**Northern Ireland Ombudsman
Law Centre (NI)
Queen's University Belfast**

Alternatives to Court in Northern Ireland

Published by:

**Northern Ireland Ombudsman
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Queen's University Belfast**

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There are similar booklets on alternatives to court:

- for England and Wales: **Alternatives to Court**, produced by Community Legal Service (CLS), and available through www.communitylegaladvice.org.uk;
- for Scotland: **Resolving Disputes Without Going to Court** produced by the Scottish Executive Justice Department, available through www.scotland.gov.uk/Topics/Justice.

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Introduction

Going to court to resolve a dispute can be expensive, time-consuming and stressful.

This booklet shows you that there are other ways of dealing with many types of disputes. It also explains how these alternatives to court work and when you can use them.

The range of options for resolving disputes without going to court is called alternative dispute resolution – ADR.

This booklet gives you an outline of alternative methods of resolving disputes other than using the courts.

It is not a complete guide to the law and is not intended to be a comprehensive guide as to how the law might apply to you generally or to any specific situation.

It is for information purposes only and does not constitute an endorsement of the schemes included.

Section 1

What are your alternatives to court in Northern Ireland?

When you have a legal problem you may have to go to court to resolve that dispute. It can be a relatively expensive, slow, stressful and, in some cases, unsatisfactory experience.

There are other ways of sorting out disputes caused by, for example, a breakdown in your relationship with your spouse, partner, parent, neighbour, landlord, financial service provider (such as a bank or building society) or public body which provides services.

These alternatives are often called alternative dispute resolution or ADR. ADR includes conciliation; mediation; neutral evaluation; adjudication; arbitration; and using ombudsmen and other regulatory bodies.

You cannot normally be forced to use ADR to resolve your dispute but the courts in Northern Ireland strongly encourage people to consider ADR before they take court action. Generally, the courts take the view that going to court should be a last resort. In certain disputes, court rules in Northern Ireland require that your representative should actively consider the early settlement of your dispute through ADR.

This booklet explains how these alternative means of resolving legal disputes work and when you can use them.

For information on ADR schemes operating in Britain, you should consult the ADRnow website, www.adrnow.org.uk, which is run by the Advice Services Alliance, a registered charity that represents independent, not for profit advice networks in Britain.

Points to consider when deciding on Alternative Dispute Resolution (ADR).

- You should, in most cases, seek independent advice on using ADR.
- ADR schemes are not meant to replace the courts in all cases but ADR does have some clear advantages over going to court.
- There are also some risks and costs associated with ADR. Be realistic about what can be

achieved through ADR. In addition, in some situations ADR may not be appropriate, and may even carry a degree of risk.

There are many different types of ADR available. Before entering into ADR, two general questions might help you decide which ADR best suits your problem:

- What particular sort of dispute or complaint do I have?
- What outcome do I want?

Section 2

Why and how to use Alternative Dispute Resolution

2.1 Independent advice

Independent advice can help you make an informed decision about which ADR method might suit best or whether to enter into an ADR process at all. Independent advice can also be important before deciding whether to accept a solution agreed through an ADR process such as conciliation or mediation.

In Northern Ireland, you can get independent advice from various sources, for example:

- a solicitor;
- an independent advice centre;
- a local Citizens Advice bureau.

You can find contact details in section 5.

2.2 Reasons for using ADR: advantages

The advantages that ADR methods can have over going to court include solving your problem faster; costing less money; and being less stressful. Other less obvious advantages of ADR include its conciliatory; confidential; flexible; and consensual nature.

Conciliatory

The court system is adversarial. This means that each party to a dispute must present, usually through a solicitor or barrister, their side of the story to the court. In the end the court, either a judge or jury, decides who has won or lost.

Going to court can be an uncomfortable experience because it places both sides in direct opposition and it can sometimes risk making a bad situation worse.

In contrast, an ADR process, such as mediation, where the parties talk to each other to find a solution they can both accept, is more conciliatory.

This is useful when you have a problem with a person or organisation that you deal with on a

regular basis, such as a neighbour, ex-partner, a local hospital or a landlord. By being less adversarial, ADR can offer a better and longer-lasting solution to the problem and can also help preserve your ongoing, longer term dealings or relationship with the other party.

Confidential

With some exceptions, such as family law cases and those involving the very young or vulnerable, the courts proceed on the basis that not only must justice be done, but it must be seen to be done. This means that information (personal or financial, for instance) which you may consider private and sensitive may have to be revealed publicly during the court case.

In contrast, ADR proceedings and their outcomes are normally private, confidential and not open to public scrutiny.

Flexible

Court hearings are formal and bound by rules of procedure and evidence. ADR is more flexible. A process such as conciliation or mediation allows both parties to come together in a neutral and informal setting to work out their dispute. Other ADR schemes, such as the Northern Ireland Ombudsman, can consider a complaint by responding to your phone call, email or letter of complaint, at no cost to you and without any formal hearing, through exchanging letters and documents

The informal, flexible nature of ADR is also reflected in its much wider range of outcomes. In many disputes, such as those between neighbours, all the aggrieved party may seek is an explanation of, or apology for, the other party's behaviour. A mediation process can provide such a practical and affordable outcome. An investigation by an ombudsman can also provide an explanation as to what happened and what went wrong.

Even if an ADR method, such as mediation, does not achieve a final outcome, it can still help eve-

ryone focus on the key issues that are causing the problem. This makes it easier, quicker and cheaper to reach an eventual agreement or for a judge to reach a decision on your case.

Consensual

Remember, either side in a legal dispute can suggest using an ADR scheme to solve the problem but both sides have to agree to enter into that process. In addition, if you are unhappy with how an ADR process is going, you can withdraw from it at any time. This means that nothing said during the ADR process can be used in court later, unless both sides agree otherwise.

Research shows that once both sides agree to an ADR process, the chances are very high that they will follow it through to the end and abide by its eventual outcome. In mediation, for example, the final agreement is not imposed on the parties (as it would be by a judge in court); it is the product of a negotiated settlement between the parties.

The mediator helps the parties reach a consensus or acceptable agreement which reflects the best possible outcome for all involved. This can have an effect on what happens afterwards and because both parties feel that they contributed to the eventual settlement, they are much more likely to abide by it.

2.3 Risks in using ADR: disadvantages

The benefits of ADR are considerable but there are some risks. People can have unrealistic expectations of what ADR can achieve. ADR might be unsuitable for their type of dispute (for example, domestic abuse claims) or for the outcome (for example, a binding agreement or financial compensation).

It is important to get independent legal advice and be aware of the financial costs of ADR.

Importance of independent legal advice

In mediation, the parties (such as ex-partners or neighbours) will come face-to-face in the presence of an independent mediator who tries to help them resolve their dispute. Although the mediator will be trained to look out for it, one of the parties may be more forceful or dominant than the other, making face-to-face mediation

particularly difficult. Independent legal advice can help redress this imbalance.

Independent legal advice can also help with technical issues such as whether there might be a difficulty in using an ADR process at the same time as taking court action and the non-binding or binding nature of any agreement reached.

Generally, you cannot use an ADR method and court action at the same time. For example, you cannot take your problem to court and to an ombudsman at the same time.

You need to be sure that an ADR scheme will not put you beyond the time limit for taking your case to court. This can be particularly important in employment disputes, for example. It may be possible to put in a court or employment tribunal application in time, and then set up a mediation appointment while waiting for a hearing date. Courts have the power to 'stay' or postpone a hearing while ADR is taking place.

Not all agreements reached in an ADR process have the same weight. In arbitration, the arbitrator's decision is legally binding and it is very difficult to challenge it subsequently in a court. An agreement reached by mediation, on the other hand, is not automatically legally binding.

A mediated agreement can, however, be made legally binding. If both parties agree, they can ask the court to turn your mediation agreement into a court order, which can be enforced directly through the court. In addition, a signed mediated agreement is a contract, and either of the parties can go to court to try and enforce it. A court will have to decide just how much weight to give to the contract.

Before deciding whether you want the mediated settlement to become legally binding and enforceable, you should first seek advice.

Remember, if no agreement is reached in mediation, there is nothing to stop you from trying another ADR method (such as arbitration) or from taking your case to court.

Independent legal advice may also help you choose the ADR method most suitable for your dispute. Finally, in some cases, for example family breakdowns, solicitors may be trained to collaborate with each other in order to reach an ADR-type settlement – see 'Family Disputes' in section 4 of this booklet.

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More generally, do not forget that solicitors and legal professionals are familiar with ADR and often settle disputes 'out of court'. In fact, nearly nine out of ten legal claims are settled out of court through negotiation.

Costs

ADR costs vary, from free to extremely expensive. Much depends on how complex the issues are, what is at stake for the parties or the value of the dispute. The costs in the mediation of a dispute between neighbours regarding an overhanging tree will normally be very small compared with the costs in the arbitration of a large scale commercial dispute.

When estimating the cost of resolving a problem, you should consider the following:

- fees or charges for any independent legal advice;
- fees or charges for the ADR service used (if it is not free);
- your own expenses (for example, travel and photocopying);
- the risk of not getting the outcome you seek; and
- in Northern Ireland, except in family cases, mediation costs are not normally met by legal aid.

You are entitled to get an estimate on the likely fees and charges by simply requesting the information from your legal adviser or the ADR service provider.

Remember to include childcare costs, time off work and other costs in your expenses if you have to go to a mediation meeting.

Before you start an ADR process, you need to know who will be responsible for paying the costs and expenses. In the courts in Northern Ireland, the 'loser' usually pays the other side's expenses as well as their own. In ADR, the general principle is that each side pays their own expenses. Remember; this is a general principle and an individual ADR scheme may have a different approach.

In family cases, you may be able to get help with the cost of mediation through legal aid from

the Northern Ireland Legal Services Commission (NILSC) fund. For advice on this contact the NILSC or a solicitor.

2.4 Which ADR scheme should I use?

Before deciding on whether to use an ADR scheme or go to court, think about the following questions.

- Is an ADR process the most suitable means of resolving the problem, or is it better to go to court?
- How willing might the other side be to try and resolve the dispute by ADR?
- What do I expect to achieve through an ADR process?

Suitability of ADR

Sometimes, going to court may be the more suitable or the only option. It is important to decide how quickly you want your problem solved. Although ADR processes are usually quicker than going to court, an urgent issue may require court action (for example if you are in danger of losing your home). In these instances, going to court may be the best way to protect your interests. You can, in any event, follow up court action with an ADR process to deal with other areas of the problem.

Willingness of the other party

If you think that the other side will not agree to mediate or enter into ADR, going to court may be the only way to get them to take your claim seriously.

If the other side will not do what they promise in mediation or another ADR process, then you may need to think about using the courts to enforce action.

Desired outcome

Think also about the outcome or solution you want. Some people want to have their day in court. This may also be important for others in a similar situation, as it may help set a precedent

for the future, or make the press and public aware of illegal action by a large organisation.

If you seek a change in practice or procedure or you want a body to learn from their mistakes, the most appropriate ADR method may be the Ombudsman.

The result of ADR

What is the result you want to achieve from ADR? There are three points to note.

First, what will it take in terms of cost and time to get the problem sorted? Even the cheapest ADR process takes up time and money. In addition, the other party may not be willing to enter mediation. Your independent adviser should be able to help you decide on the best option. You may be uncomfortable or nervous having to tell the story face-to-face in mediation, or are unused to sending documents and writing letters of complaint and, again, you may be happier to get a legal adviser or a solicitor to act on your behalf. However, most mediators and ADR schemes, such as that provided by the Northern Ireland Ombudsman, make their processes as non-threatening and 'user-friendly' as possible, without the need for independent representation to resolve the dispute.

Second, it is important to identify who is responsible for what happened. In most cases this is straightforward; but in others it is not. For example, in a consumer disagreement there may be a difference between the person who sold you the product or supplied you with the service or gave you advice and the person who is actually responsible.

In cases of discrimination or bullying at work, for example, employers are often responsible for what their employees do. In the case of a complaint about a nuisance (such as noise or rubbish) coming from a neighbouring property, the landlord or Environmental Health Department of your local council, rather than those creating the nuisance, might be the right person or body to approach.

Once you have identified who the other side is, you need to look at any internal complaint or grievance procedure that might first have to be used before you can go to an ADR process, an ombudsman or to court.

If you are not sure who is responsible or where you can go to start the grievance/complaint procedure, your independent adviser should be able to help.

Third, before entering an ADR process, think about the result you want at the end of the process. Remember, outcomes differ between going to court and using ADR.

By going to court you might get:

- an order (called an injunction) that something be done by the other party or that they are stopped from doing something that is harming you or your interests;
- compensation – money to compensate for any loss or damage suffered by you; or
- a declaration by the court about who is right and who is wrong.

In contrast, by using ADR you might get:

- a change in the way a person or organisation behaves;
- a promise that a person or company will not do something;
- something you own repaired;
- something you own replaced;
- an apology;
- an explanation for what happened to you;
- a mistake corrected;
- compensation (for example, for an injury).

ADR schemes can sometimes result in you obtaining financial compensation or consolatory payment.

Section 3

Types of Alternative Dispute Resolution

3.1 Direct negotiation, complaints and grievance procedures

Direct negotiation

In any direct negotiation, it is helpful to first write down what you want to say. This helps you order your thoughts and ensures that all the points are covered. It may be advisable to talk to someone who is not involved, such as an adviser at an independent advice centre or Citizens Advice Bureau or a solicitor.

The second stage will be the negotiation. It is best to talk face to face, if possible. Also try to choose a good time to make the first approach, when neither you nor the other person is busy. Try to arrange a suitable place so that you can talk about the problem in a neutral setting without having to rush the discussion.

The third and final stage of a direct negotiation is reaching an agreement. Make sure that you know who has agreed to do what and by when. It may be a good idea to put the agreement in writing and for all the parties to sign it. The agreement can provide for dates or regular intervals to check how the agreement is working out. It can also provide a way of letting each other know about any future problems.

Finally, if you are unable to negotiate a solution directly, try the other options outlined in this booklet.

Complaints and grievance procedures

Direct negotiation can help resolve a disagreement, for example, a dispute with your bank or your employer or a government department or public authority.

In practice, most bodies have a complaints or grievance procedure. These procedures may try to resolve the issue informally at first, through a meeting or a phone call. This can be easier, faster and cheaper but remember that internal complaints procedures are not independent. They are

drawn up and handled by the organisation you are complaining about.

When using a complaints or grievance procedure, you will normally be expected to write down the complaint in full and send it to a specific complaints department within the company or organisation. When writing down the complaint, make sure that you state what the problem is, how it affects you and what solution or outcome you want, for example a replacement of the product; a refund; an explanation; an apology; or an assurance that the problem will not happen again.

In the written complaint, give your name; address, reference or account number; and any relevant dates, times and places. This is especially important when writing to a company or organisation that deals with a large number of customers, as it will help them trace relevant paperwork and check the details more quickly. Always keep a copy of all your correspondence.

On receiving the complaint, the body or organisation might contact you to see if the matter can be sorted there and then. In response to a telephone call, be polite, concise and firm. You do not have to be rushed into a decision, and it will help to have your letter of complaint in front of you; so do not hesitate to ask the organisation's representative to phone you back at a more convenient time. The person dealing with you is unlikely to be the person originally responsible for causing your problem.

If not satisfied with the outcome of the organisation's internal complaints procedure, you may wish to take the matter further. Ask the organisation in question about this and how you can take the complaint further to, for example, an ombudsman, arbitration scheme or a regulatory body.

3.2 Mediation and conciliation

In mediation, an independent third party (the mediator) helps parties with a dispute try to reach an agreement. The people with the dispute, not the mediator, decide whether they can resolve

things, and what the outcome should be. Mediation is more than just negotiation. It is a carefully managed process. The mediator is there to help the discussions run smoothly, to manage and ensure fairness in the process and to facilitate those in dispute to find a solution.

Mediation is the most wide ranging ADR process. It is used, in many areas of dispute, including:

- business;
- consumer goods and services;
- divorce and separation;
- discrimination;
- housing;
- medical negligence;
- neighbours;
- personal injury;
- workplace and employment; and
- youth crime.

Mediation is also available for a wide range of (non-family) civil and commercial disputes through the Law Society of Northern Ireland's Dispute Resolution Service.

Mediation is typically used in cases involving only two parties but can also apply to disputes involving a large number of parties or entire communities.

Mediation has the advantages and disadvantages of ADR outlined earlier in the booklet.

Ideally, mediation takes place in a neutral venue. Many mediation providers have their own offices where mediations can take place. They can also arrange for mediations to take place in convenient local venues.

Mediation often involves a meeting between the parties in dispute, with an independent, impartial third party guiding the discussions. In some cases, the parties stay in separate rooms and the mediator moves from room to room with ideas and responses ('shuttle mediation').

Mediation generally follows a similar structure. There are a number of stages, which include:

- Working out the issues - the mediator will start by finding out from both parties what they think are the important issues that need to be sorted out. You will be given an opportunity to express your views and concerns.

- Working out what the options are - mediation gives you the freedom to think about a wider variety of options than a court would consider. The mediator will explore all the choices open to you and their advantages and disadvantages, but will not tell you what to do.
- Working out an agreement - the mediator will make sure that everyone is clear about any agreement, and may put this in writing. If you both agree, you can get your solicitors to make it legally binding.

Remember, mediation is also possible at any stage in the court action process, provided that all parties agree. If you are going to court and, at any stage, feel that mediation should be considered, then discuss the matter with your solicitor.

Finally, sometimes the phrase 'conciliation' is used in ADR schemes but, apart from employment disputes where it has a technical meaning, it is much the same as mediation. In conciliation, an independent person (the conciliator) tries to help people in dispute resolve their problem. The process is voluntary and private and the conciliator should not take sides. Ultimately, the parties in dispute are responsible for deciding how to resolve the matter, although a conciliator might issue a recommendation for the resolution of the dispute where the parties are struggling to reach an agreement.

3.3 Arbitration

Arbitration involves an independent arbitrator who hears both sides of the disagreement and then makes a decision to resolve the problem.

All parties must agree to go to arbitration and to accept the arbitrator's decision. The process is confidential; so is any amount that the arbitrator awards. Arbitration is binding; once the parties have decided to use it and the process has begun, they usually give up their right to seek a resolution of the matter elsewhere such as in a court or tribunal. Remember, however, that mediation remains an option for resolving the dispute on a mutually acceptable basis at any time before the final decision is made by the arbitrator.

Sometimes the arbitrator makes a decision based on papers that each side provides in support of their case ('documents only'). In other cases, the arbitrator holds a hearing where both sides

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present their case. This is usually less formal than a court hearing. After considering the parties' submission, the arbitrator issues a final and binding decision called an award. The award usually clearly tells the parties how the decision was reached and why one side won and the other lost. There is very limited scope for appeal against an arbitrator's award.

3.4 Evaluation, determination and adjudication

Early neutral evaluation

With this option, the parties agree on the appointment of an independent person to look at the claims made by each side at the earliest stages of the dispute. The evaluator is then asked to give an opinion on either a specific point of fact, evidence, valuation or law; or on what he or she thinks the result or general outcome should be.

The opinion of the evaluator is not binding, so either side can use it to decide what step to take next.

Early neutral evaluation can help work out where the real problem lies and make both sides think more about results by giving an objective view of the arguments.

The evaluator is often chosen because of professional expertise in the subject matter of the disagreement and so may be a solicitor; an engineer; a surveyor etc.

Expert determination

Parties can agree that an independent expert looks at the case and gives a decision which is binding on the parties.

Expert determination is often used in technical, commercial disputes such as those involving the valuation of businesses; property; shares in a private company; pension rights; and in complex contractual disputes. Expert determination is very similar to arbitration.

An agreement to go to expert determination to resolve the dispute will often be based on a clause in the commercial contract between the disputing parties.

In both early neutral evaluation and expert determination, the general rule is that the parties

are responsible for the expert's fees, which depend on the subject area, complexity and value of the dispute.

Adjudication

Adjudication is similar to arbitration, and is used mainly in commercial disputes. It is best suited to technical or single issue problems such as those that arise in contractual clauses.

The contract and surrounding circumstances in dispute are considered by an independent third party paid by those in dispute, and he or she gives a decision which is 'temporarily' binding. The adjudication is not finally binding but the decision must be obeyed in the interim even if you object to it and decide to pursue a further ADR option, such as arbitration, or even litigation.

In Northern Ireland, adjudication is a statutory right for many construction contracts as provided by the Construction Contracts (Northern Ireland) Order 1997 ('the 1997 Order'). The 1997 Order, recently amended, is intended primarily to allow a quick resolution of disputes and to improve payment practices. If you are unhappy with an adjudicator's decision, the only way to challenge it is to show it was made without the necessary authority or it was arrived at unfairly and in bad faith.

To find an adjudicator to resolve a construction dispute, contact the Adjudication Society (NI Branch), www.adjudication.org.

Third party neutrals

For a 'third party neutral' to evaluate or determine a dispute, contact the Chartered Institute of Arbitrators (Irish Branch, NI Chapter), www.arbitration.ie/ni-chapter.

3.5 Ombudsman schemes

What is an ombudsman?

Ombudsmen provide an independent and impartial review and determination of complaints about public and private organisations. They are often a last resort when complaints cannot be resolved through an organisation's internal complaints procedure. Ombudsman schemes:

- are free to use;

- will not normally consider your complaint unless you have first used the complaints procedure of the organisation that you have a problem with;
- are impartial; they do not take sides; and
- normally their decisions are not binding, so you are free to go to court if you are not happy with the decision.

Decisions of the Pensions Ombudsman and the Financial Ombudsman Service are binding on the company but not on the consumer. You can still go to court if you are dissatisfied with the decision of the Pensions or Financial Services Ombudsman.

What type of complaint can ombudsmen investigate?

The Northern Ireland Ombudsman is the leading example of the type of work that Ombudsmen do.

The Ombudsman investigates complaints about a wide range of public bodies (such as local councils, the health service or government departments). He investigates whether there was 'maladministration' in the way a decision was made and if so whether it resulted in an injustice.

Maladministration can be a fault in the way an organisation has made a decision or in a public body's practice or the implementation of a policy. Examples include:

- an organisation or department not following its own policies or procedures;
- rudeness;
- avoidable delay;
- not following good practice;
- treating you less fairly than other people; and
- giving you wrong and misleading advice or information.

The Northern Ireland Ombudsman provides a free, impartial and independent service. Where he finds maladministration, he can make a recommendation which may include an apology, a change in practice or a consolatory payment.

Private sector ombudsmen such as the Financial Services Ombudsman (who investigates complaints about financial institutions) can generally look at whether a decision was fair and reasonable based on industry standards and good prac-

tice. They can also award compensation if they uphold your complaint.

How and when you can complain

How and when you can use an ombudsman scheme depends on the type of problem and with whom you have that problem.

Remember the following:

- You should complain to an ombudsman only if you have given the other side or organisation an opportunity to comment on your complaint.
- Ombudsmen will not investigate a matter if it is about to go to court or if the matter is one that is better dealt with by a court or tribunal.
- Consider getting independent advice from your local Citizens Advice bureau or an independent advice centre, on whether an ombudsman could take on the particular complaint or ask the office of the relevant ombudsman about this.

The procedure for starting an investigation depends on which ombudsman scheme you use. The following general rules apply.

Ombudsmen schemes often provide an application form or online means of making a complaint. In any correspondence that you enter into with an ombudsman – and you should always keep a copy of this correspondence – try and make sure that it contains the following information:

- your name and contact details;
- the name and address of the organisation that the complaint is about;
- the date when you first identified the event you are complaining about;
- details of what the complaint is about: what the organisation did wrong or failed to do correctly;
- what injustice, financial loss or hardship was suffered;
- details of how you followed up the complaint before you contacted the ombudsman;
- what you think the organisation should do to put the situation right.

Section 4 of this booklet explains how to contact the ombudsman relevant to your type of dispute.

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Below are the main ombudsman schemes that operate in Northern Ireland.

The Northern Ireland Ombudsman

The Northern Ireland Ombudsman investigates complaints about maladministration in the way an individual has been treated by a government department, local council, the health service or a housing body such as the Northern Ireland Housing Executive or housing associations. 'Maladministration' can refer to a fault in the way an organisation has made a decision. You can find further examples of maladministration and which government departments and public bodies are covered by the Northern Ireland Ombudsman on www.ni-ombudsman.org.uk

The Northern Ireland Ombudsman has two offices: the Assembly Ombudsman for Northern Ireland and the Northern Ireland Commissioner for Complaints.

The Assembly Ombudsman covers complaints of maladministration about:

- government departments (for example, Department of Environment (NI); Office of the First and Deputy First Minister etc);
- government agencies (for example, Child Maintenance and Enforcement Division; Social Security and Youth Justice Agencies etc);
- tribunals but only in relation to their administrative functions (for example, Social Security Appeals Tribunal; Industrial and Fair Employment Tribunals etc).

Complaints to the Assembly Ombudsman must be referred by a Member of the Assembly (MLA). If the Assembly Ombudsman investigates the complaint and agrees that it is justified, the public body concerned will be asked to put the problem right. Although the Assembly Ombudsman cannot compel the government department, agency or public body concerned, they normally agree to provide an apology; a repayment of money (tax or benefit) due; an improved service if the situation arises again; or a consolatory payment for any delays or loss suffered in pursuing the complaint.

The Northern Ireland Commissioner for Complaints covers complaints of maladministration about bodies such as education and library boards, health and social care trusts and local

councils. You can find out typical examples of 'maladministration' and which bodies are covered by the Commissioner for Complaints at www.ni-ombudsman.org.uk

You should first contact the Office of the Ombudsman for Northern Ireland to find out whether your complaint can be investigated. In response, the office will ask whether you have given the organisation concerned an opportunity to respond to the complaint. The internal complaints procedure of the organisation must be exhausted before going to the Northern Ireland Ombudsman – or any ombudsman.

Finally, a limited number of bodies remain outside of the Northern Ireland Ombudsman's scheme. Complaints about the Northern Ireland Office, the Northern Ireland Human Rights Commission, the Parades Commission for Northern Ireland, Her Majesty's Revenue and Customs (HMRC) and the Ministry of Defence must be taken to the Office of the Parliamentary and Health Service Ombudsman based in London.

Financial Ombudsman Service

The Financial Ombudsman Service deals with consumer complaints about most personal financial matters including:

- financial advice;
- banking services;
- endowment policies;
- mortgages;
- personal pension plans;
- building society services; and
- insurance.

Before you complain to the Financial Ombudsman Service, you must complain to the individual company using its formal complaints procedure. If you are unhappy with the outcome, a complaint can be made to the Financial Ombudsman Service. There is a time limit of six months for making the complaint.

The Financial Ombudsman Service consumer helpline will assess if it can take on your case and help you make the complaint. You can get a complaint form, as well as information on how to make a complaint, from the website or the consumer helpline.

For contact details see 'Money Matters' in section 4 of this booklet.

The Financial Ombudsman Service is impartial, it will assess the complaint and advise how it could be sorted out. If a satisfactory outcome cannot be achieved, the Financial Ombudsman Service will start an investigation. The decision of the Financial Ombudsman is binding on the company. However, if you do not agree with it, you can go to court.

Property Ombudsman

All estate agents must belong to a regulatory scheme approved by the Office of Fair Trading (OFT). The OFT has approved two schemes – a redress scheme run by the Property Ombudsman and a scheme run by the Ombudsman Services: Property. If your estate agent is not a member of the Property Ombudsman scheme, you can complain to the Ombudsman Services: Property. Contact details for both schemes can be found under 'Estate Agents' in section 4 of this booklet.

The Property Ombudsman investigates complaints about member companies if you have lost money or suffered inconvenience because a company has:

- contravened your legal rights;
- treated you unfairly; or
- been guilty of maladministration.

You should first use the internal complaints procedure of the estate agency. There is a time limit, usually twelve months from the event you are complaining about.

If the Property Ombudsman upholds your complaint, he can recommend compensation of up to £25,000. You can accept or reject the decision. If you accept it, the estate agent is also bound to accept the decision. If you disagree with the Ombudsman's decision, you can go to court.

Prisoner Ombudsman for Northern Ireland

The Prisoner Ombudsman investigates complaints from prisoners, prisoners' families and visitors. Contact details can be found under 'Prisoners' in section 4.

Before making a complaint to the Prisoner Ombudsman, you must normally have used the internal complaints procedures of the Northern

Ireland Prison Service. If you have not had a satisfactory response to the complaint, or if the Prison Service Headquarters has not replied within six weeks, a complaint can be made to the Prisoner Ombudsman.

If the Prisoner Ombudsman upholds the complaint, she will recommend action that the Northern Ireland Prison Service should take.

Police Ombudsman for Northern Ireland

The Police Ombudsman for Northern Ireland (PONI) provides an independent, impartial police complaints system under the Police (Northern Ireland) Act 1998. The PONI can:

- investigate and deal with complaints about how PSNI officers do their job, and look at whether these complaints follow any trends or patterns;
- investigate complaints about how the PSNI behave when they are doing their job. Complaints may involve allegations of criminal behaviour by a police officer, or allegations that the police officer broke the police code of conduct; and
- investigate a matter even if a complaint has not been made, if there is reason to think that a police officer may have committed a criminal offence or broken the police code of conduct.

A complaint must be made to the PONI within one year of the incident concerned. It can be made by calling in, phoning or writing to PONI (contact details can be found under 'Police' in section 4); or by calling at your local PSNI station. The PSNI will not deal with your complaint, but will refer it to the PONI as soon as possible.

Generally, the investigator from the PONI will arrange to meet you to take details of the complaint.

The investigator will decide how to deal with your complaint. You may decide to seek informal resolution of the issue. If this is not suitable, the Police Ombudsman will investigate and provide a written report on the complaint.

Normally, the Police Ombudsman cannot investigate complaints that are more than a year old and cannot investigate a PSNI officer's conduct which has already led to criminal or disciplinary action, unless there is new evidence which was not available at the time of the original investigation.

Section 4

Types of disputes and specific dispute resolution services

Advertising

The Advertising Standards Authority (ASA) investigates complaints from the public in relation to misleading, harmful or offensive adverts.

Under the Advertising Codes, the ASA can also investigate complaints relating to difficulty getting goods or a refund for items bought by mail order or through television shopping channels; promotions that are unfairly run or special offers that have left you disappointed; unwanted mail from companies sent by post, e-mail, text message or fax; and data capture and protection of privacy.

Postal address

ASA, Mid City Place, 71 High Holborn, London WC1V 6QT.

Telephone

020 7492 2222

Web

www.asa.org.uk

Armed forces

The Service Complaints Commissioner for the Armed Forces provides independent external oversight of the workplace grievance system for all those serving in Britain's Armed Forces.

Postal address

SCC, PO Box 61755, London SW1A 2WA

Telephone

020 3178 7634

Web

<http://armedforcescomplaints.independent.gov.uk>

Benefits and child maintenance

The first point of contact should be your local Citizens Advice bureau or independent advice centre or the information supplied by the Department for Social Development at www.dsdni.gov.uk.

Child maintenance

The Child Maintenance and Enforcement Division (CMED)'s purpose is to promote and secure effective child maintenance arrangements. This includes promoting the financial responsibility parents have for their children and providing information and support about the different child maintenance options available to parents. To find out more about this area see: www.nidirect.gov.uk/choices

or you can phone Child Maintenance Choices service: 0800 028 7439

Postal address

Child Maintenance Choices, Great Northern Tower, 17 Great Victoria Street, Belfast BT2 7AD

Email

childmaintenance.choices@cmed.gsi.gov.uk

Social security benefits

The administration of most benefits (Disability Living Allowance, Employment and Support Allowance, Pension Credit etc) is the responsibility of the Social Security Agency (SSA). SSA's business is to assess and pay social security benefits accurately and securely and to give advice and information about these benefits. To find out more about SSA and social security benefits see: www.dsdni.gov.uk/index/ssa.htm

or you can phone the Benefit Enquiry Line – 0800 220 674

Child Benefit and tax credits

Her Majesty's Revenue and Customs (HMRC) deals with Child Benefit, Working Tax Credit and

Child Tax Credit. To find out more see: www.hmrc.gov.uk

or you can get general information from the Benefit Enquiry Line 0845 603 2000

How to appeal a decision

When you claim a social security benefit or tax credit, you should receive a written decision. This will normally tell you what you can do if you think the decision is wrong.

You can ask for the decision to be looked at again; or you may have a right of appeal to a Social Security Appeal Tribunal (SSAT).

There are time limits for appeals.

Appeals are dealt with by the Appeals Service Northern Ireland (TAS (NI)). TAS (NI) arranges the date, place, and time of your hearing and issues the appeal papers.

For more information, see: www.dsdni.gov.uk/index/taser-appeals_service.htm

TAS (NI) is independent from the CMED and SSA. It operates from Belfast and Omagh.

Postal address (Belfast)

Appeals Service Belfast, Cleaver House, 3 Donegall Square North, Belfast BT1 5GA

Telephone

028 9051 8518

Email

Appeals.Service.Belfast@dsdni.gov.uk

Postal address (Omagh)

Appeals Service Omagh, 12-14 Dublin Road, Omagh BT78 1ES

Telephone

028 8224 9595

Email

Appeals.Service.Omagh@dsdni.gov.uk

Appeals on a point of law

An appeal (on a point of law only) from Appeal Tribunals can be made to the Office of the Social Security Commissioner and Child Support Commissioners.

Postal address

Office of the Social Security Commissioner and

Child Support Commissioners, 3rd Floor, Bedford House, 16-22 Bedford Street, Belfast BT2 7FD

Telephone

028 9072 8731

Web

www.courtsni.gov.uk/en-GB/Tribunals/OSSC/

Remember that you can get advice on appealing from your local Citizens Advice bureau or independent advice centre.

Complaints about the way a claim has been processed by CMED or SSA

If you are unhappy with how CMED or SSA has processed your claim (for example, there has been an excessive delay) you can approach the Independent Case Examiner's Office.

The Independent Case Examiner acts as an independent referee for people who feel unhappy with how a complaint has been handled.

The Independent Case Examiner is free but you must have exhausted the internal complaints procedures of the agency you are complaining about.

Postal address

The Independent Case Examiner, PO Box 155, Chester CH99 9SA

Telephone

0845 606 0777

Web

www.ind-case-exam.org.uk

Complaints about the way a claim has been processed by HMRC

The Adjudicator acts as a fair and unbiased referee looking into complaints about HMRC. The Adjudicator investigates and resolves complaints from individuals and businesses that remain unhappy about the way their affairs have been handled. The Adjudicator's services are free.

Before the Adjudicator will look at your complaint, you need to have exhausted HMRC's own complaints procedure and have received a final response from them. The Adjudicator looks at complaints about: mistakes; unreasonable delays; poor or misleading advice; inappropriate staff behaviour; the use of discretion. The Adju-

Alternatives to Court in Northern Ireland

dicator cannot consider disputes about policy or matters of law.

Postal address

The Adjudicator's Office, 8th Floor, Euston Tower, 286 Euston Road, London NW1 3US

Telephone

0300 057 1111

Web

www.adjudicatorsoffice.gov.uk

Office of the Social Fund Commissioner

Carries out independent reviews for applicants who are unhappy with decisions by the discretionary social fund in Northern Ireland.

Web

www.osfcni.org.uk

Appealing to the Ombudsman

Finally, if you are still dissatisfied, you could consider making a complaint to the Northern Ireland Ombudsman for CMED or SSA cases or to the Parliamentary Ombudsman for HMRC cases. For contact details see under 'Ombudsmen' below.

Charities

Charity Commission

The Charity Commission for Northern Ireland (CCNI) registers and regulates charities in Northern Ireland. If you have a concern that you have been unable to resolve with the charity concerned, contact CCNI at:

Postal address

Charity Commission for Northern Ireland, 4th Floor, 24-26 Arthur Street, Belfast BT1 4GF

Telephone

028 9051 5490

Web

www.charitycommissionni.org.uk

Charity Tribunal

The Charity Tribunal hears appeals from decisions made by the Charity Commission.

Postal address

The President of the Charity Tribunal, Tribunals Hearing Centre, 3rd Floor, Bedford House, 16-22 Bedford Street, Belfast BT2 7FD

Telephone

028 9072 8732

Email

tribunalsunit@courtsni.gov.uk

Children

NICCY

The Northern Ireland Commissioner for Children and Young People (NICCY) can investigate complaints against public bodies on behalf of children and young people and can take court action about the rights and welfare of children and young people.

NICCY can also help children or young people bring their complaint to a public body and assist them in court cases against public bodies.

Postal address

NICCY, Millennium House, 17-25 Great, Victoria Street, Belfast BT2 7BA

Telephone

028 9031 1616

Web

www.niccy.org

If you remain dissatisfied with the decisions or outcome of a complaint dealt with by NICCY, you may complain to the Northern Ireland Ombudsman.

Children's Law Centre

The Children's Law Centre also has a free phone advice line for children and young people: 0808 808 5678

Postal address

Children's Law Centre, 3rd Floor, Philip House, 123-137 York Street, Belfast BT15 1AB

Telephone

028 9024 5704

Web

www.childrenslawcentre.org

Communications

Ofcom

Ofcom regulates TV and radio, fixed line telecoms and mobiles, plus the airwaves over which wireless devices operate. It gives advice on dealing with a phone company. It also advises on complaint procedures about a programme on TV or radio.

Postal address

Ofcom Northern Ireland, 2nd Floor, Landmark House, 5 Cromac Quay, The Gasworks, Ormeau Road, Belfast BT7 2JD

Telephone

028 9041 7500

Web

www.ofcom.org.uk

Consumer issues

Consumer Council for Northern Ireland

The Consumer Council is an independent consumer organisation working to bring about change to benefit Northern Ireland's consumers. It represents consumers in the areas of transport, water and energy. The Consumer Council's Consumer Support Team investigates enquiries and complaints about:

- buses, trains, planes, ferries, natural gas, electricity, coal and water.

During investigations, it acts on behalf of the consumer and liaises directly with the company involved. It aims to achieve a fair and satisfactory resolution for the individual and to bring about positive change for all consumers in Northern Ireland.

Postal address

The Consumer Council, 116 Hollywood Road, Belfast BT4 1NY

Telephone

028 9067 2488 or, for complaints, 0800 121 6022

Web

www.consumercouncil.org.uk

For complaints, email

complaints@consumercouncil.org.uk

Consumerline

Consumerline is a telephone and online advice service covering consumer issues.

Consumerline is a partnership between the Consumer Council and the NI Trading Services Standards. It enforces consumer legislation in Northern Ireland as part of the NI Department of Enterprise Trade and Investment.

Telephone 0300 123 6262

Web www.consumerline.org

If you remain dissatisfied with the actions or the outcome of a complaint about the Consumer Council you may complain to the Northern Ireland Ombudsman

Energy, water and sewage

If your energy supplier (electricity or gas) has treated you unfairly or has not given you the standard of service you are entitled to, get in touch with them directly.

If you are dissatisfied with the company's response or you experience any delays, put your complaint to the Consumer Council.

If it is a matter that the Utility Regulator should investigate, the Consumer Council will let them know. Contact details for the Utility Regulator are under 'Utilities' on page 30 of this booklet.

For a complaint about water or sewage, contact NI Water.

Postal address

Waterline, Northern Ireland Water, PO Box 1026, Belfast, BT1 9DJ

Telephone

08457 440088

Web

www.niwater.com

If you are not happy with how Northern Ireland Water has dealt with your complaint or would like independent advice, contact the Consumer Council. If it is a matter that the Utility Regulator should investigate, the Consumer Council will let them know.

Alternatives to Court in Northern Ireland

Small claims

Finally, consumers might consider the Small Claims Court, which allow certain types of claims to be decided informally, usually without the need for a solicitor or barrister.

In general a small claim is one where the value of the claim is not more than £3,000. Typical small claims include:

- claims for debts; claims for faulty goods; claims for unsatisfactory workmanship; or claims for damage to your property.

A guide on how to use the small claims procedure is available at: www.courtsni.gov.uk/en-GB/default.htm

Alternatively, staff at the central Civil Processing Centre can help you, but they can only help in completing forms or explaining procedures.

Postal address

Civil Processing Centre, PO Box 882, Laganside Courts, 43 Oxford Street, Belfast BT1 3LL

Telephone

028 9072 4566 or 028 9072 4563

Email

civilprocessingcentre@courtsni.gov.uk

- education maintenance allowance; school admission; attendance; and expulsion policies.

If you are unable to resolve a complaint with an education and library board or the Department of Education, then a complaint can be made to the Northern Ireland Ombudsman (contact details in 'Ombudsmen', page 27 of this booklet).

Certain types of disputes have specific bodies to handle complaints:

Curriculum-related complaints

If the concern is about the school curriculum, contact:

Postal address

Council for the Curriculum, Examinations & Assessment, 29 Clarendon Road Clarendon Dock, Belfast BT1 3BJ

Telephone

028 9026 1200

Web

www.ccea.org.uk

If you remain dissatisfied with the actions or the outcome of a complaint to CCEA, you may complain to the Northern Ireland Ombudsman.

Education

If you have a complaint about a school (for example, bullying of a child), contact your child's teacher or arrange an appointment with the Principal. If you remain dissatisfied, write to the Chair of the Board of Governors.

If you are still unhappy, take your concerns to the relevant education and library board or the Council for Catholic Maintained Schools. The Department of Education does not generally have the authority to investigate individual parental complaints.

The five Education and Library Boards have an Education and Support website that provides information on education issues and complaints; see www.education-support.org.uk

The website gives the contact details of the five Boards and information for parents, students and teachers on concerns and complaints about:

Exam results complaints

If you think the marks your child was awarded in GCSE, A Level or AS Level exams are wrong, you may wish to have them reviewed. Requests for review of grades should always be made through the school. The school is able to request a remark of the papers and make a further appeal to the relevant awarding body.

If, following an examinations appeal, you are still dissatisfied; the school can take the case to the Examinations Appeals Board (EAB).

Postal address

EAB, Spring Place, Coventry Business Park, Herald Avenue, Coventry CV5 6UB

Telephone

024 7667 1848

Web

www.theeab.org.uk

Special educational needs and disability complaints

An appeal against an assessment by or decision of an education and library board on a special education or disability-related issue can be taken to the Special Educational Needs and Disability Tribunal.

Postal address

Special Educational Needs and Disability Tribunal, 3rd Floor, Bedford House, 16–22 Bedford Street, Belfast BT2 7FD

Telephone

028 9072 8757

Web

www.courtsni.gov.uk/en-GB/Tribunals/Special-EduNeedsnDisability

Elderly

Age NI

Age NI's Advice and Advocacy Service offers free, independent and confidential support to older people, their families and carers.

The advice service includes advice and information on:

- welfare benefits; community care; residential and nursing care; housing and health.

The service can be contacted through a free phone number 0808 808 7575 or by email at advice@ageni.org

The general contact details of Age NI are:

Postal address

Age NI, 3 Lower Crescent, Belfast BT7 1NR

Telephone

028 9024 5729

Web

www.ageuk.org.uk/northern-ireland

Older People's Advocate

The Older People's Advocate for Northern Ireland

provides the NI Assembly with independent advice on what needs to be done to address the concerns of older people. The role of the Older People's Advocate is an interim one until a Commissioner for Older People for Northern Ireland is appointed.

Postal address

Older People's Advocate, Equality House, 6th Floor, 7–9 Shaftesbury Square, Belfast BT2 7DP.

Telephone

028 9089 0892

Web

www.olderpeoplesadvocateni.org

Equality and human rights

Equality Commission for Northern Ireland

People in Northern Ireland are protected in law against discrimination on grounds of race, religious belief or political opinion, sex, sexual orientation, age or because of a disability. If you have been discriminated against on any of these grounds, you may be able to use the law to bring an end to the discrimination and get some redress for the discriminatory treatment you have suffered.

The Equality Commission for Northern Ireland can help you understand your rights and explain how you can make a complaint.

Postal address

ECNI, Equality House, 7–9 Shaftesbury Square, Belfast BT2 7DP

Telephone

028 9089 0890

Web

www.equalityni.org

Human Rights Commission

The Northern Ireland Human Rights Commission (NIHRC) works to ensure that the human rights of everyone in Northern Ireland are protected in law, policy and practice.

Alternatives to Court in Northern Ireland

In respect of human rights complaints, the Northern Ireland Human Rights Commission can provide advice to individuals; investigate complaints and assist individuals to go to court.

Postal address

Northern Ireland Human Rights Commission,
Temple Court, 39 North Street, Belfast BT1 1NA

Telephone

028 9024 3987

Web

www.nihrc.org

Estate agents

The Property Ombudsman (TPO)

Postal address

The Property Ombudsman, Milford House, 43–55
Milford Street, Salisbury, Wiltshire SP1 2BP

Telephone

017 2233 3306

Web

www.tpos.co.uk

Ombudsman Services: Property (OS:P)

Postal address

Ombudsman Services: Property, PO Box, War-
rington WA4 9FE

Telephone

033 0440 1634

Web

www.ombudsman-services.org/property.html

Family disputes

Collaborative Family Law NI

Web

www.collaborativeni.com

Family Mediation NI

Postal address

Family Mediation NI, 7 University Street, Belfast
BT7 1FY

Telephone

028 9024 3265

Web

www.familymediationni.org.uk

Parents Advice Centre (PAC)

Postal address

PAC Head Office, 2nd Floor, Andras House, 60
Great Victoria Street, Belfast BT2 7BB

Telephone

080 8801 0722

Web

www.parentsadvicecentre.org

Health and social care services

In health matters, if you are unhappy with the treatment or service you have received, you have a right to complain. Health and social care trusts are obliged to have clearly advertised and easy to use complaints procedures. There is also an independent organisation called the Patient and Client Council which can help you make your complaint to the relevant organisation.

Patient and Client Council (PCC)

Postal addresses

Belfast Area and South Eastern Area: 1st Floor,
Lesley House, 25–27 Wellington Place, Belfast
BT1 6GD

Northern Area: Houston's Mill Site, 10a Buckna
Road, Broughshane BT42 4NJ

Southern Area: Quaker Buildings, High Street,
Lurgan BT66 8BB

Western Area: Hilltop, Tyrone and Fermanagh
Hospital, Omagh BT79 ONS

Telephone

080 0917 0222

Web

www.patientclientcouncil.hscni.net

If you remain unhappy with the actions of a hospital trust, GP, dentist or other independent health service provider, you can contact the Northern Ireland Ombudsman (see contact details on page 27 of this booklet).

On contacting the Northern Ireland Ombudsman, you should ask for their information leaflet on 'Health and Social Care Complaints'.

Mental health issues

The Regulation and Quality Improvement Authority (RQIA) is the independent body responsible for monitoring and inspecting the availability and quality of health and social care services in Northern Ireland. It also has a range of responsibilities for people with a mental illness and those with a learning disability. These include: preventing ill treatment; remedying any deficiency in care or treatment; terminating improper detention in a hospital or guardianship; and preventing or redressing loss or damage to a patient's property.

Postal address

The Regulation and Quality Improvement Authority, 9th Floor Riverside Tower, 5 Lanyon Place, Belfast BT1 3BT

Telephone

028 9051 7500

Web

www.rqia.org.uk

If you remain dissatisfied with the actions of or the outcome of a complaint to the RQIA, you may complain to the Northern Ireland Ombudsman (contact details are on page 27 of this booklet).

Cases of patients who are compulsorily detained or are subject to guardianship under the Mental Health (Northern Ireland) Order 1986 can be reviewed by the Mental Health Review Tribunal. The Tribunal's function is to provide mentally disordered patients with a safeguard against unjustified detention in hospital or control under guardianship by means of a review of their

cases from both the medical and non-medical points of view.

Postal address

Mental Health Review Tribunal, 3rd Floor, Bedford House, 16-22 Bedford Street, Belfast, BT2 7FD

Telephone

028 9072 4843

Web

www.courtsni.gov.uk/en-GB/Tribunals/Mental-HealthReview/GuideforPatients.htm

Holidays

If you are unhappy with the response of your operator to a complaint about a holiday, remember that most tour operators, and especially those providing package holidays abroad, belong to an association. The leading associations for Northern Ireland are the Association of British Travel Agents (ABTA) and the Association of Independent Tour Operators (AITO).

These associations will usually try to resolve your dispute through arbitration.

ABTA

Postal address

ABTA (The Travel Association), 30 Park Street, London SE1 9EQ

Telephone

020 3117 0500

Web

www.abta.com

AITO

Postal address

AITO, 133A St Margaret's Road, Twickenham, Middlesex TW1 1RG

Telephone

020 8744 9280

Web

www.aito.co.uk

Housing

For those who are renting from the Northern Ireland Housing Executive (NIHE) or a Housing Association, the first point of contact for a complaint is the local manager. To find your local NIHE office or housing association, contact the following.

Northern Ireland Housing Executive

Postal address

The Housing Centre, NIHE, 2 Adelaide Street, Belfast BT2 8PB,

Telephone

03448 920 900

Web

www.nihe.gov.uk

Northern Ireland Federation of Housing Associations (NIFHA)

Postal address

Northern Ireland Federation of Housing Associations, 6c Citylink, Business Park, Albert Street, Belfast BT12 4HB

Telephone

028 9023 0446

Web

www.nifha.org

Complaints about maladministration about the NIHE or about a registered housing association can be made to the Northern Ireland Ombudsman (contact details are on page 27 of this booklet).

For general advice on housing, including advice on mortgage debt, contact Housing Rights Service or use its advice website.

Housing Rights Service

Postal address

Housing Rights Service, 4th Floor, Middleton Buildings, 10-12 High Street, Belfast BT1 2BA

Telephone

028 9024 5640

Web

www.housingadviceni.org

Immigration and asylum

The following organisations give free and confidential advice.

Bryson One Stop Service for Asylum and Refugees Advice and Support

Bryson One Stop Service provides advice and support to destitute asylum seekers while they apply for assistance through the National Asylum Support Service. When a person seeking asylum is likely to be deemed eligible, Bryson One Stop Service advisers provide support and assistance in the asylum application process.

Bryson House One Stop Service

Postal address

Bryson One Stop Service, 9 Lower Crescent, Belfast, BT7 1NR

Telephone

028 9043 9226 or 028 9024 2025, a 24-hour advice and support service for refugees and people seeking asylum

Web

www.brysongroup.org

Law and Migrant Rights Centre: STEP

The Law and Migrant Rights Centre provides professional legal advice and information in the areas of immigration, employment, social security, housing and education.

Postal address

Law and Migrant Rights Centre, 11 Feeny's Land, Dungannon, Co Tyrone, BT70 1TX

Telephone

028 87729 002

Web

www.stepni.org

Northern Ireland Council for Ethnic Minorities (NICEM)

NICEM provides advice and representation on a variety of immigration matters, from application

to appeal stage. Advice clinics on immigration are held every Thursday evening between 5.30pm and 8.00pm in the Belfast Migrant Centre.

Postal address

Belfast Migrant Centre, 2nd Floor, Ascot House, 24-31 Shaftesbury Square, Belfast BT2 7DB

Telephone

028 9043 8962

Web

www.belfastmigrantcentre.org

General contact details for NICEM are available in Section 5 of this booklet.

Northern Ireland Community of Refugees and Asylum Seekers (NICRAS)

NICRAS is a refugee community organisation that supports the integration process of refugees and asylum seekers into local communities.

NICRAS raises awareness of the issues, problems and difficulties faced by refugees and asylum seekers in Northern Ireland and informs members of relevant changes to immigration policy.

Postal address

NICRAS, 143A University Street, Belfast BT7 1HP

Telephone

028 9024 6699

Web

www.nicras.btck.co.uk

Some Citizens Advice Bureaux, independent advice centres and Law Centre (NI) give advice on immigration and asylum. See section 5 of this booklet.

Information: personal and public

For any query or complaint about the actions of a company or organisation that is holding and using personal data about you, about direct marketing (such as unwanted faxes or telephone calls) or about freedom of information more generally, contact the Information Commissioner.

The Information Commissioner's Office

The Information Commissioner's Office (ICO) is an independent public body set up to regulate information matters. The ICO also provides advice and guidance to organisations on how to handle personal information and comply with the Data Protection Act 1998 and the Privacy and Electronic Communications 2003. The ICO also rules on whether the information you request from public bodies under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 should be disclosed.

Postal address: regional office

The Information Commissioner's Office, NI, 51 Adelaide Street Belfast BT2 8FE

Telephone

028 9026 9380

Postal address: main office

The Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Telephone

01625 545750

Web

www.ico.gov.uk

Land

Land and Property Services

Land & Property Services (L&PS) provides a valuation for all properties in Northern Ireland which are subject to rates. If you are unhappy with a decision of a District Valuer as to the value of your property, you can appeal to the Commissioner of Valuation. If you remain dissatisfied you may be able to appeal to the Northern Ireland Valuation Tribunal or the Lands Tribunal for Northern Ireland. Use the contact details below for further information.

Postal address

Land & Property Services, Appeals on District Valuer's Decisions, Queens Court, 56-66 Upper Queen Street, Town Parks, Belfast BT1 6FD

Telephone

028 9054 3774

Alternatives to Court in Northern Ireland

Web

www.lpsni.gov.uk

If you remain dissatisfied with the actions of the L&PS, you can complain to the Northern Ireland Ombudsman (contact details are on page 27 of this booklet).

Northern Ireland Valuation Tribunal (NIVT)

Postal address

NIVT, 3rd Floor, Bedford House, 16-22 Bedford Street, Belfast BT2 7FD

Telephone

028 9072 8752

Web

www.courtsni.gov.uk/en-GB/Tribunals/NIVT

Lands Tribunal of Northern Ireland

Postal address

The Registrar, The Lands Tribunal, Royal Courts of Justice, 2nd Floor, Chichester Street, Belfast BT1 3JJ

Telephone

028 9032 7703

Web

www.courtsni.gov.uk/en-GB/Tribunals/LandsTribunal/

Law

For complaints about a solicitor

Postal address

The Law Society of Northern Ireland, 96 Victoria Street, Belfast BT1 3GN

Telephone

028 9023 1614

Web

www.lawsoc-ni.org/making-a-complaint/

For complaints about a barrister

Postal address

Secretary to the Professional Conduct Committee, Bar Library, 91 Chichester Street, Belfast, BT1 3JQ

Telephone

028 9056 2349

Web

www.barlibrary.com/code-of-conduct

For complaints about the behaviour of a member of the judiciary

If you have a complaint about how a member of the judiciary has behaved (not the outcome or decision) contact:

Postal address

The Complaints Officer, Lord Chief Justice's Office, Royal Courts of Justice, Chichester Street, Belfast BT1 3JF

Telephone

028 9072 4616

Email

JudicialComplaints@courtsni.gov.uk

For complaints about the courts and tribunals service

The Northern Ireland Courts and Tribunals Service has an internal complaints process.

Postal address

Northern Ireland Courts and Tribunal Service, Communications Group, Laganside House, 23-27 Oxford Street, Belfast BT1 3LA

Telephone

028 9041 2386

Web

www.courtsni.gov.uk

If you remain dissatisfied with how the Northern Ireland Courts and Tribunals Service has dealt with your complaint, ask an MLA to refer the complaint to the Northern Ireland Ombudsman (contact details are on page 27 of this booklet).

For complaints about judicial appointments

The Northern Ireland Judicial Appointments Ombudsman considers individual complaints from applicants for judicial appointments.

Postal address

Office of the Northern Ireland Judicial Appoint-

ments Ombudsman, 6th Floor, Bedford House, Bedford Street, Belfast BT2 7DS

Telephone

028 9072 8930

Web

www.nijao.gov.uk

Money matters

The Financial Services Ombudsman can look at complaints about most financial problems involving:

- banking; insurance; mortgages; credit cards and store cards; loans and credit; pensions; savings and investments; hire purchase and pawnbroking; money transfer; financial advice; stocks, shares, unit trusts and bonds.

Postal address

The Financial Ombudsman Service, South Quay Plaza, 183 Marsh Wall, London E14 9SR

Telephone

0800 023 4567

Web

www.financial-ombudsman.org.uk

Neighbours

For information on neighbour and boundary disputes, use the following websites:

Dealing with a Neighbour Dispute available at www.housingadviceni.org

Noise Nuisance and Neighbour Disputes on www.nidirect.gov.uk

Mediation Northern Ireland

For information about mediation, contact Mediation Northern Ireland:

Postal address

Mediation NI, 83 University Street, Belfast BT7 1HP

Telephone

028 9043 8614

Web

www.mediationnorthernireland.org

Ombudsman schemes

Northern Ireland Ombudsman

Postal address

The Ombudsman, Freepost BEL 1478, Belfast BT1 6BR or The Ombudsman, 33 Wellington Place, Belfast BT1 6HN

Telephone

028 9023 3821 or free phone 0800 343424

Web

www.ni-ombudsman.org.uk

Parliamentary and Health Service Ombudsman

Postal address

Parliamentary and Health Service Ombudsman, Millbank Tower, Millbank, London SW1P 4QP

Telephone

0345 015 4033

Web

www.ombudsman.org.uk

The Ombudsman Association

The Ombudsman's Association provides information for the public about ombudsman and complaint handling schemes in the United Kingdom and Ireland.

Web

www.bioa.org.uk

Planning

You must first use the Planning Service's formal complaints procedure. If you are still dissatisfied, put your complaint in writing to your MLA who can refer it to the Northern Ireland Ombudsman.

The Northern Ireland Ombudsman has detailed information on complaints about the Planning Service on: www.ni-ombudsman.org.uk/Can-I-Complain.aspx

Alternatives to Court in Northern Ireland

Postal address

The Planning Service, Millennium House 17-25
Great Victoria Street, Belfast BT2 7BN

Telephone

028 9041 6700

Web

www.planningni.gov.uk

Refusal of planning permission

If you are dissatisfied with a decision on an application for planning permission, there is a separate procedure for appealing to the Planning Appeals Commission. Appeals must be made within six months of the date of the decision to:

Postal address

The Chief Administrative Officer, Planning Appeals Commission, Park House, 87-91 Great Victoria Street, Belfast BT2 7AG

Telephone

028 9024 4710

Web

www.pacni.gov.uk

Police

Police Ombudsman of Northern Ireland

Postal address

PONI Office, New Cathedral Buildings, St Anne's Square, 11 Church Street, Belfast BT1 1PG

Telephone

0845 601 2931 or 028 9082 8600

Web

www.policeombudsman.org

Northern Ireland Policing Board

The NI Policing Board is an independent body that oversees the delivery of an effective, efficient, accountable and impartial police service. Its work covers oversight of the PSNI; human rights; community engagement; and District Policing Partnerships.

Postal address

Northern Ireland Policing Board, Waterside Tow-

er, 31 Clarendon Road, Clarendon Dock, Belfast BT1 3BG

Telephone

028 9040 8500

Web

www.nipolicingboard.org.uk

If you remain dissatisfied with the Northern Ireland Policing Board's response to a complaint, you may complain to the Northern Ireland Ombudsman (contact details are on page 27 of this booklet).

Press complaints

The Press Complaints Commission is an independent body set up to examine complaints about the editorial content of UK newspapers and magazines (and their websites)

Postal address

Press Complaints Commission, Halton House, 20/23 Holborn, London EC1N 2JD

Telephone

020 7831 0022 or 0845 600 2757

Web

www.pcc.org.uk

Prisoners

Prisoner Ombudsman for Northern Ireland

Postal address

Prisoner Ombudsman for Northern Ireland, 22nd Floor, Windsor House, Bedford Street Belfast BT2 7FT

Telephone

028 9044 3982 or 0800 7836317

Web

www.niprisonerombudsman.gov.uk

If you remain dissatisfied with the service provided by the Prisoner Ombudsman, you may complain to the Northern Ireland Ombudsman (contact details are on page 27 of this booklet).

Public Prosecution Service for Northern Ireland

If you are not satisfied with the service provided by the Public Prosecution Service for Northern Ireland (PPSNI), you can contact:

Postal address

Community Liaison, PPSNI, Belfast Chambers, 93 Chichester Street, Belfast BT1 3JR

Telephone

028 9089 7070

Web

www.ppsni.gov.uk

An external independent assessor can review your complaint if you are not satisfied with the way in which the PPS has dealt with the complaint. Concerns in detail should be sent in writing to:

Postal address

Private Office of the Director of Public Prosecutions, Public Prosecution Service, Belfast Chambers, 93 Chichester Street, Belfast BT1 3J

Email

complaints@ppsni.gov.uk

Separate arrangements apply if you wish to ask the PPS for reasons for prosecution decisions or if you wish to have a prosecution decision reviewed:

Postal address

Public Prosecution Service Headquarters, Belfast Chambers, 93 Chichester Street, Belfast BT1 3JR

Telephone

028 9054 2444

Web

www.ppsni.gov.uk

Sport

Just Sport Ireland

Just Sport Ireland (JSI) is an independent dispute resolution service for Irish sport offering both a mediation and arbitration facility. JSI aims to provide a fair, impartial and efficient resolution

of sporting disputes. Just Sport Ireland will deal with all disputes arising in an all-island sporting context save for anti-doping and employment issues.

Postal address

JSI Registrar, Sport HQ, 13 Joyce Way, Park West, Dublin 12, Ireland

Telephone

00353 1 625 1155

Web

www.justsport.ie

Sports Resolutions

Sports Resolutions is the independent dispute resolution service for sport in the United Kingdom, offering arbitration, mediation, tribunal appointments and administration services

Postal address

Sports Resolutions, 1 Salisbury Square, London EC4Y 8AE

Telephone

020 7036 1966

Web

www.sportresolutions.co.uk

Taxis

If you feel you have been treated unreasonably, try first to resolve it with the taxi driver or the depot.

If you are still unhappy, contact the Taxi Licensing Officer. It is advisable to take note of the vehicle's registration number or taxi licence number.

Postal address

Taxi Licensing Officer, Road Transport Licensing Division, Driver Vehicle Agency, 148-158 Corporation Street, Belfast BT1 3DH

Telephone

028 9025 4180

Web

www.dvlni.gov.uk/commercial/taxi/complaints.htm

Traffic penalties

The Traffic Penalty Tribunal hears appeals against Penalty Charge Notices issued by or on behalf of the Roads Service. Penalty Charge Notices are issued against a person contravening a parking restriction.

The tribunal is conducted by an Adjudicator, who is a qualified solicitor or barrister with at least five years' legal experience. The decision of the Adjudicator is binding on both the person who is appealing and on the Roads Service.

Postal address

Traffic Penalties Tribunal, 3rd Floor, Bedford House, 16 – 22 Bedford Street, Belfast BT2 7FD

Telephone

028 9072 8732

Web

www.courtsni.gov.uk/en-GB/Tribunals/NITPT/

Utilities

The Utility Regulator is responsible for regulating the electricity and gas industries and water and sewerage services in Northern Ireland, to promote the short and long-term interests of consumers.

Postal address

Utility Regulator, Queens House, 14 Queen Street, Belfast BT1 6ED

Telephone

028 9031 1575

Web

www.uregni.gov.uk

Victims

Victim Support NI is an independent charity that supports people affected by crime. It offers a free and confidential service, whether or not a crime has been reported.

Services include a witness support scheme and the Criminal Justice Compensation Service, which helps people who have been injured by crime to apply for compensation from the Compensation Agency. Appeals against a decision of the Compensation Agency can be made to the Criminal Injuries Compensation Agency Panel.

Victim Support NI

Postal address

Victim Support NI, Central Office, Annsgate House, 3rd floor, 70–74 Ann Street, Belfast BT1 4EH

Telephone

028 9024 4039

Web

www.victimsupportni.co.uk

Compensation Agency

Postal address

The Presenting Officer (POS), The Compensation Agency, Royston House, 34 Upper Queen Street, Belfast BT1 6FD

Telephone

028 90547429

Web

www.compensationni.gov.uk

Criminal Injuries Compensation Agency Panel

Postal address

The Appeals Panel Belfast, 2nd Floor, The Corn Exchange Building, 31 Gordon Street, Belfast BT1 2LG.

Telephone

028 9092 4400

Web

www.courtsni.gov.uk/en-GB/Tribunals/CICAPNI

If you are dissatisfied with the actions of the Compensation Agency or the Criminal Injuries Compensation Agency you may complain to the Northern Ireland Ombudsman (contact details are on page 27 of this booklet).

Northern Ireland Commission for Victims and Survivors

The Northern Ireland Commission for Victims and Survivors promotes the interests of victims and survivors of the conflict.

Postal address

The Commission for Victims and Survivors, Windsor House, 9–15 Bedford Street, Belfast BT2 7EG

Telephone

028 9031 100

Web

www.cvsni.org

Work

All employers are obliged to have clearly available dismissal and disciplinary procedures. They should also have a grievance procedure.

If a dispute of this nature arises at work, you may wish to contact your trade union; a solicitor; a local Citizens Advice bureau; an independent advice centre or the Equality Commission for Northern Ireland.

Or, for detailed information and guidance relating to all employment dispute matters, you may wish to contact the Labour Relations Agency (LRA).

Labour Relations Agency

Postal address (Head Office)

LRA, 2–16 Gordon St, Belfast BT1 2LG

Telephone

028 9032 1442

Postal address (Regional Office)

LRA, 1–3 Guildhall St, Derry, BT48 6BB

Telephone

028 7126 9639

Web

www.lra.org.uk

Tribunals

It is strongly advised that you obtain independent advice before pursuing a tribunal-based resolution of your dispute with your employer.

Remember there are time limits for lodging claims.

There are two types of tribunals dealing with employment disputes.

The Industrial Tribunal is an independent judicial body that hears and determines employment claims. These include unfair dismissal, breach of contract, wages/other payments, as well as discrimination on the grounds of sex, race, disability, sexual orientation, age, part time working or equal pay.

The Fair Employment Tribunal deals with claims of discrimination on the grounds of religious belief or political opinion.

Tribunals are like courts but not quite as formal. However, like a court, a tribunal must act independently and cannot give legal advice. Almost all hearings are open to the public.

Postal address

The Secretary, Office of the Industrial Tribunals and the Fair Employment Tribunal, Killymeal House, 2 Cromac Quay, Belfast BT7 2JD

Telephone

028 9032 7666

Web

www.employmenttribunalsni.co.uk

If you are an employee of a public body that is within the jurisdiction of the Northern Ireland Ombudsman, you may complain to the Ombudsman regarding a work-related matter (contact details are on page 27 of this booklet).

Section 5

Further help and general dispute resolution services

ADR now

ADRnow is an information website which gives an overview of ADR schemes in the UK, an outline of how they work, and an honest appraisal of their pros and cons. It is independent of ADR providers and government.

Web

www.adrnow.org.uk

Advice NI

Advice NI's members throughout Northern Ireland offer free and independent advice on various areas such as benefits, consumer issues, housing and employee matters.

Postal address

Advice NI, 1 Rushfield Avenue, Belfast BT7 3FP

Telephone

028 9064 5919

Web

www.adviceni.net

Arbitrators

Chartered Institute of Arbitrators (CIArb) is the worldwide authority on the regulation, administration and promotion of arbitration. The NI Chapter has over 100 members who come from a variety of disciplines: legal, human resource, construction, sport etc.

Web

www.arbitration.ie/ni-chapter

The Bar of Northern Ireland

The Bar of Northern Ireland provides a body of barristers trained as mediators who can assist on a professional basis with the successful resolution of a wide variety of disputes including civil, commercial, employment and family disputes.

To access the list of trained mediators from the Bar Library click on the mediation icon on the

front page of the Bar Library website, www.bar-library.com

Each of the individual Barristers listed in the Directory possess a practising certificate, they are subject to the Bar's Professional Code of Conduct, they have completed their professional training as mediators and are also subject to the Bar Code of Conduct for mediators.

Postal address

The Bar Library, 91 Chichester Street, Belfast BT1 3JQ

Web

www.barlibrary.com

Citizens Advice

Citizens Advice helps people resolve their debt, benefits, housing, legal, discrimination, employment, immigration, consumer and other problems. Advice is available to all communities from main offices across Northern Ireland and from over 100 other outlets.

Contact details for local centres and further information are available online.

Postal address

Citizens Advice Regional Office, 46 Donegall Pass, Belfast BT7 1BS

Telephone

028 9023 1120

Web

www.citizensadvice.co.uk

Collaborative Law Practice

Over 100 lawyers trained to practice collaborative law, mainly in family cases. Collaborative law differs from mediation in that each party has her/his own solicitor to advise and assist in reaching a resolution outside of court.

Web

www.afriendlydivorce.co.uk

Law Centre (NI)

The Law Centre promotes social justice and provides specialist legal support to advice organisations and disadvantaged individuals covering community care, employment, immigration, social security and mental health.

The Law Centre does not offer an advice service directly to the public. It can only reply to advice queries from members of the Law Centre. Members of the public should contact independent advice centres or Citizens Advice bureaux for advice. Cases will be referred to the Law Centre where appropriate.

Web www.lawcentreni.org

Postal address: Law Centre (NI) Belfast Office

124 Donegall Street, Belfast BT1 2GY

Telephone

028 9024 4401

Postal address: Western Area Office

9 Clarendon Street, Derry BT48 7EP

Telephone

028 7126 2433

Law Society of Northern Ireland

The Law Society of Northern Ireland is the regulatory and representative body governing the education, accounts, discipline and professional conduct of solicitors.

Postal address

Law Society of Northern Ireland, 96 Victoria Street, Belfast BT1 3GN

Telephone

028 9023 1614

Web

www.lawsoc-ni.org

The Law Society's Solicitors' Directory has a listing of solicitors firms at: www.lawsoc-ni.org/solicitors-directory

If you cannot find the contact details of an individual solicitor or a solicitors' firm, ring the Law Society.

Law Society's Dispute Resolution Service

The Law Society's Dispute Resolution Service (DRS) provides a mediation service to assist with resolving disputes.

The DRS operates through a panel of solicitors and barristers who are trained and accredited to act as mediators on behalf of the parties to disputes.

To use the DRS to try to resolve a dispute:

- contact the other party to see if they will agree in principle to try mediation; and
- if the parties agree in principle to attempt mediation, print out the registration form, which is available from the website below, complete it and send to the Law Society.

Web

www.lawsoc-ni.org/role-of-the-law-society/resolving-disputes/

Mediation Northern Ireland

Mediation NI works with individuals, communities and organisations in the public, private and third sector.

Postal address

Mediation NI, 83 University Street, Belfast, BT7 1HP

Telephone

028 9043 8614

Web

www.mediationnorthernireland.org

Northern Ireland Council for Ethnic Minorities

NICEM provides free, confidential, legal and other advice, as well as support services to deal with complaints against an individual public authority, complaints of racial harassment, racial attacks and racial discrimination.

Postal address

NICEM, 3rd Floor, Ascot House, 24-31 Shaftesbury Square, Belfast BT2 7DB

Telephone

028 9023 8645 / 028 9031 9666

Web

www.nicem.org.uk

Alternatives to Court in Northern Ireland

Northern Ireland Council for Voluntary Action

Northern Ireland Council for Voluntary Action (NICVA) represents, promotes and supports the voluntary and community sector.

Postal address

NICVA, 61 Duncairn Gardens, Belfast BT15 2GB

Telephone

028 9087 7777

Web

www.nicva.org

NI Direct

NI Direct is the official government website for people in Northern Ireland.

Web

www.nidirect.gov.uk

Northern Ireland Legal Services Commission

The Northern Ireland Legal Services Commission (NILSC) provides legal aid and promotes fair and equal access to justice.

Postal address

NILSC, 2nd Floor, Waterfront Plaza, 8 Laganbank Road, Mays Meadow, Belfast BT1 3BN

Telephone

028 9040 8888

Web

www.nilsc.org.uk

Peace and Reconciliation Group

PRG offers a conflict resolution/mediation service to help those in dispute come to their own agreed outcome. This confidential service is delivered through a panel of trained mediators.

Postal address

16 Bishop Street, L'Derry, BT48 6PW

Telephone

028 7136 9206

Fax

028 7137 7009

Email

info@peaceprg.co.uk

Web

www.peaceprg.co.uk

Every effort has been made to mention and accommodate all ADR-related services operating today in Northern Ireland. If you feel that something is missing or needs updating, please contact:

Catherine Couvert

Publications Officer

Law Centre (NI)

124 Donegall Street

Belfast

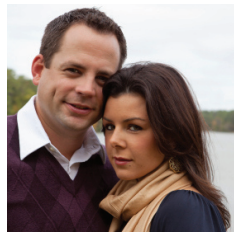
BT1 2GY

Telephone [028 9024 4401](tel:02890244401)

Email catherine.couvert@lawcentreni.org

Alternatives to Court in Northern Ireland

Going to court to resolve a dispute can be an expensive, time-consuming and stressful process. This booklet shows you that there are other ways of dealing with many types of disputes. It explains how these alternatives to court work and when you can use them. It also has a list of organisations that can help you, with their contact details.



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