



## PSA DISPUTE CONCILIATION SERVICE PROCEDURES

### INFORMATION & PROCEDURES ON HOW TO MAKE A COMPLAINT ABOUT A PSA MEMBER

#### **ABOUT THE PASSENGER SHIPPING ASSOCIATION (PSA)**

The PSA is a voluntary trade association for the cruise and ferry industry in the UK. Our main objective is to promote and encourage the expansion of travel by sea. We also act as a bonding authority for some of our members under the terms of [The Package Travel, Package Holidays and Package Tours Regulations 1992](#).

#### **PSA CONCILIATION SERVICE**

If you have a complaint about a PSA Member we may be able to help resolve your dispute free of charge and without the need for lengthy court proceedings. Please read the following information to ensure that your complaint qualifies for the conciliation scheme.

1. First check that the company you have a dispute with is a member of the Passenger Shipping Association. You can do this by logging onto [www.the-psa.org](http://www.the-psa.org) or calling 020 7436 2449.
- 2a. Next ensure that you have exhausted all avenues possible with the PSA member directly. If you have not yet written to the company with details of your complaint, you must do so to give them the opportunity to resolve the dispute. If you are unsatisfied with the PSA member's response, you may be eligible to use the PSA's conciliation service, providing that:-
  - (i) The company concerned is a **PSA Member**.
  - (ii) All **other avenues** for a negotiated settlement have been exhausted with the PSA Member.
  - (iii) Your holiday itinerary has been **significantly altered** after you have booked but prior to you travelling or,
  - (iv) You have **already taken** your holiday or journey.
  - (v) You are a **UK resident(s)** and **booked** the applicable holiday or travel arrangements in the United Kingdom.
  - (vi) The claim is **not based solely** or mainly in respect of **physical injury or illness** or the consequences of such injury or illness.
- 2b. All disputes are settled via the conciliation service on a paper-only basis. Listed below are the types of complaints which **DO NOT** qualify for conciliation:
  - (i) Where the Claimant seeks compensation for **personal injury** or where the claim involves complaint about personal injury alleged to have been sustained as a result of services provided during the carriage and/or holiday;
  - (ii) Where the Claimant seeks **compensation which exceeds £5,000** (the present small claims limit);
  - (iii) Where the Claimant complains of conduct which would, if proved, constitute a **criminal offence**;
  - (iv) Where the Claimant complains of conduct which would, if proved, constitute **discriminatory conduct**;
  - (v) Where the Claimant complains of a matter related to **pricing**.
  - (vi) Where, in the discretion of the conciliator, there is or is likely to be a substantial **conflict of fact** between the parties, which it would be inappropriate to resolve by a paper only exercise.
3. If your dispute qualifies for conciliation and you have received a response from the PSA member and are still not satisfied, you should forward photocopies of all correspondence between yourself and the company (please ensure you keep any original documents for your own file) along with a brief covering letter detailing the salient points to the PSA at the address listed below.

The PSA reviews each complaint individually to ensure that it falls within the remit of the conciliation service. The PSA will then contact the company concerned on your behalf, asking them to either further investigate the dispute or give consent for it to be sent to the PSA's conciliator.

Where a PSA member has recommended the PSA conciliation service in writing to the customer and the dispute qualifies in regard to points 2a. and 2b., the PSA will send a pro-forma questionnaire direct to the customer for return on completion to the PSA member.



4. If your dispute does not qualify for the PSA conciliation service, you can also seek advice from the following organisations:
- (i) You can find contact details for your local Citizens Advice Bureau in England and Wales, Scotland or Northern Ireland by visiting [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)
  - (ii) You can find contact details your local Trading Standards office at [www.tradingstandards.org.uk](http://www.tradingstandards.org.uk)
  - (iii) If the matter concerns a travel agency you should contact ABTA – The Travel Association on 0901 201 5050 (50p per minute) or visit [www.abta.com](http://www.abta.com)
  - (iv) For any matters relating to passports or Visas, customers should contact the Foreign and Commonwealth Office by visiting <http://www.fco.gov.uk/en/contact-us>
5. If the PSA member consents to obtaining the conciliator's opinion on your complaint, the company will send you a pro-forma questionnaire to complete and return to them directly. This document will then be forwarded, along with all other relevant papers already submitted, to the conciliator who will not request any further information. It is the duty of the customer making the claim to send all the relevant papers to the PSA Member.

All approaches to the conciliator must be through the PSA Member (on a "without prejudice" basis). The PSA conciliator is a wholly independent barrister at law retained by the PSA. She will consider the claim submitted through the PSA Member, give an unbiased opinion on the dispute, and recommend a level of fair compensation, if applicable. She will advise the parties in writing of her opinion and, if they accept it, they may be able then to settle the dispute on an amicable basis. The conciliator's recommendations are an accurate reflection of the probable outcome had the dispute gone to court.

The conciliator's fee is paid by the PSA Member and therefore the dispute will only be sent to the conciliator the company's consent. Having informed the parties of her opinion, the conciliator cannot enter into any further communication, whether written or oral in the matter. The opinion of the conciliator is not binding on either party. Therefore, if either party does not accept the conciliator's opinion, or the parties cannot subsequently settle the dispute, the customer may further pursue the matter by litigation in the courts. The contents of the conciliator's report cannot be submitted or quoted by either party in subsequent proceedings in support of that party's case without the express consent of the other party.

#### **VOLUNTARY CODE OF CONDUCT FOR PSA MEMBERS**

6. PSA cruise and ferry company members agree to adhere to the following voluntary Code of Conduct in relation to customer disputes:
- (i) All correspondence sent to the PSA Member must be acknowledged within seven days on receipt of the letter at its offices.
  - (ii) PSA members who agree to obtain a conciliator's opinion will provide a full detailed response within 28 days of receipt of the completed pro forma from the customer.
  - (iii) If a full detailed response cannot be adhered to within 28 days, the PSA member will contact the customer with an explanation and indication of when they will receive a full response.

For further information please contact Kathleen O'Hara, PSA Services Manager on 020 7436 2449 or at [kathleen@psa-ace.org](mailto:kathleen@psa-ace.org)

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