



I'm in a dispute - what can I do?

For people who are in a dispute

About this leaflet

This leaflet is for people involved in a disagreement or dispute with another person, a company or organisation. A dispute could arise if someone is not happy with the quality of work carried out on their property, is arguing with a neighbour over boundaries, claims they did not receive something they ordered, or believes they are owed money by someone who is refusing to pay them. This leaflet explains:

- ways you can settle a dispute without going to court;
- what happens if the dispute does go to court; and
- what happens next.

It also provides a list of organisations that can help you.

Important information about this leaflet

This leaflet is only intended as a guide. You may wish to get independent legal advice before making decisions based on this leaflet.

If you need this leaflet in an alternative format, for example in large print, please contact your local court for assistance.

What is a dispute?

A dispute is a disagreement with another person, a company or an organisation.

The most common disputes are to do with breakdown in relationships, complaints and legal problems between individuals, companies or organisations. They include someone owing money, claims for personal injury or disagreements about who owns a property.

For example, you are in a dispute if you are:

- arguing with a neighbour about cutting a boundary hedge and cannot reach an agreement;
- in conflict with an organisation because they did not provide goods or services as promised or to your satisfaction; or
- arguing with an individual about whether one of you owes money to the other.

Do all disputes have to be settled in court?

No. Going to court should always be a last resort. It can be expensive, stressful and time consuming.

Before going to court you should always try to reach an agreement. For example, if you are in a dispute with an organisation, you should use the organisation's complaints procedure before thinking of making a claim through the court.

If you make a claim through the court without making any effort to reach an agreement first, you may find that the judge will hold this against you when considering payment of costs in the case. You may not get your costs back, or the court may order you to pay the other party's costs, even if you win the case.

Other ways you might try to reach an agreement include processes like negotiation, mediation and arbitration. They are often more informal than the court process.

Can I resolve my dispute without going to court?

There are many ways you could try to resolve a dispute that do not involve going to court. The method you choose will depend on what sort of dispute you have, and how you want it dealt with.

These methods include:

- **Negotiating an agreement** – where you deal directly with the person, the company or the organisation that has caused the problem. You can do this yourself, or you can get a representative (such as an adviser or solicitor) to do it for you. Negotiation is often a good first step.

- **Using an ombudsman** – ombudsmen are independent ‘referees’ who deal with complaints concerning public and private organisations. You should only involve an ombudsman if a complaint cannot be sorted through the organisation’s own complaints procedure.
- **Mediation** – where an independent person (someone who won’t take sides) will help you and the other person or company find a solution to the problem. The people involved in the dispute, not the independent person, decide what will happen and the terms of any agreement. However, any agreement reached is voluntary so you cannot force the other party to stick to it.
- **Arbitration** – involves an independent arbitrator who hears both sides of the disagreement and makes a decision that will solve the problem. It is sometimes described as a private version of going to court. Arbitration is usually binding on both sides, so you can’t take your case to court after the arbitrator has made a decision.
- **Regulator** – this is an independent body set up by law to regulate the activities of utility companies and investigate complaints in the telephone, water, gas and electricity industries. Regulators also deal with issues such as landline and mobile phones, and the internet. You should only contact a regulator if a complaint cannot be sorted through your utility company’s own complaints procedure.

For more information on the different ways you can settle disputes, read the **Alternatives to Court** leaflet, available from www.gov.uk

Why choose these other ways to settle a dispute?

These other ways to settle a dispute are not meant to replace the courts, but they can have advantages over going to court.

They will usually:

- be more flexible;
- solve your problem faster;
- be less stressful; and
- cost you less money.

If you're having regular problems with a person, a company or an organisation – for example an ongoing dispute with a neighbour or a company you deal with – you might find that an alternative way such as mediation could bring about a better, longer-lasting solution to your problem.

Using an alternative way could also help you get:

- an agreement over a debt;
- a change in the way a person or organisation behaves;
- an agreement that a person or company won't do something;
- something fixed or replaced;
- an apology;
- an explanation for what happened to you;
- a mistake corrected; or
- compensation.

Do alternative ways cost money?

Some services, such as ombudsman schemes, are free to use, while others such as mediation providers may charge fees. The fees can vary depending on what service you use, and for how long. You might also have to factor in other costs, such as travel expenses. However, alternative ways are generally cheaper than going to court.

What should I do if I want to use an alternative to court?

If you want to use an alternative to court, but are unsure of which one to use, you should seek advice. You can get independent advice from various sources, including:

- a Citizens Advice Bureau;
- the local council;
- a housing advice centre;
- a local Law Centre; or
- a legal representative.

What if my dispute goes to court?

If you are unable to settle your dispute in any other way, you or the other person involved in the dispute might decide to take the matter to court. If you decide to go to court, you will need to start a claim through a county court. However, going to court should always be your last resort.

You can start a claim for a variety of reasons, including:

- someone owing you money;
- bad workmanship;
- damage to property;
- road traffic accidents;
- personal injury;
- goods not supplied; or
- faulty goods.

Once you have started a claim, you enter the court process.

If you are claiming money from someone you can start the claim online at www.moneyclaim.gov.uk (although there are restrictions for some types of claim). If you make a claim on paper you must post it to the County Court Money Claims Centre, PO Box 527, Salford, M5 0BY.

There are some types of disputes – including personal injury, low value road traffic accidents, disease or illness, professional negligence, housing disrepair, defamation, or construction and engineering – where you will need to take certain steps before you start a claim. These are called pre-action protocols. You can find copies of pre-action protocols at www.justice.gov.uk/civil/procrules_finmenu/protocol.htm

For more information on starting a claim or what to do if you receive a claim, please see our leaflets **EX302 - How do I make a claim?** or **EX303 - A claim has been made against me – what should I do?**

Remember, the courts require you to consider whether you could reach an agreement through an alternative way before going to court. If you refuse to do this, you may not get your costs back, or the court may order you to pay the other party's costs, even if you win the case.

Do all types of claim go through the same process?

No. If the claim is for less than £10,000 and it is against a person, a company or an organisation in England or Wales, it will **usually** be dealt with by the small claims process. To find out more about this process see our leaflet **EX306 - The Small Claims Track in civil courts?**

If the claim is more than £10,000, it will generally be dealt with by the fast track or the multi track process. To find out more about these, see our leaflet **EX305 - The Fast Track and the Multi-Track in civil courts?**

If the claim goes to court, will I need to get legal advice?

If you are the person making the claim and the claim is for more than £10,000, you should get independent legal advice. This is particularly the case if you are claiming for compensation or damages.

Some claims, for example personal injury claims, can be more complicated so you may prefer to get some professional help and advice no matter what the value of the claim is. This is because you may be asked to provide evidence such as a medical report or a witness statement.

It may save both you and the other party time and money if you ask a solicitor or advice worker if it is worth your making a claim. If it is, you could ask them how best to prepare it, what evidence you need, and the amount of damages you should seek.

If you are making a claim on behalf of a limited company, you may need a solicitor to go to the hearing for you. This will depend on how much money you are claiming and the type of hearing.

If a claim has been made against you and the claim is for more than £10,000 or is complicated (for example a personal injury claim), you should also seek independent advice.

You may qualify for legal aid. Visit www.gov.uk/legal-aid for more information.

How long does a case normally last?

There is no set amount of time a case should last. However, a claim for less than £10,000 will usually take up to six months, while larger claims may take longer.

Does it cost money to go to court?

Going to court can be costly for both parties involved. If you are the person making the claim, you will have to pay a fee to start the claim. If you start a claim in the county court, you may also have to pay a court fee. In addition, you may have to pay further court fees at different stages of the court process.

You will find a list of civil and family court fees at hmctsformfinder.justice.gov.uk or court staff will be able to let you know the amount you have to pay.

For more information, or to apply for a fee remission, ask the court for a copy of the combined booklet and form **EX160A - Court and Tribunal fees – Do I have to pay them?** Alternatively you can find it online hmctsformfinder.justice.gov.uk

You will have to make a separate application each time you have to pay a fee.

If you are the person making the claim and you win the case, the fees may be added to the amount the other party has to pay. They might also have to pay some costs to compensate you for any time lost at work.

Are there any other expenses?

You may have to pay other costs if the dispute goes to court. For example, if you have a solicitor, you may have to pay for their help.

If you need to ask witnesses to come to court to help tell the court what happened, you may have to pay their costs (their travelling expenses and any loss of income). If you need a report from an expert – for example, a doctor, mechanic or surveyor – you may have to pay their costs and charges. However, if you win the case, this may be added to the amount the other party has to pay, although the amount you may claim for can be limited.

If I win the case, what happens?

If you win the case, the court may make a judgment in your favour, and order the other party to pay you, make good the damage or work, or provide what they owe you. However, the court will not automatically take steps to make sure that this happens. If the other party does not act on the order, you will need to ask the court to take action and enforce the judgment, for which you will have to pay another fee.

For more information on enforcement, see our leaflet **EX321 - I have a judgment but the defendant hasn't paid – What can I do?** Alternatively you can find more information online hmctsformfinder.justice.gov.uk

If you are claiming money, you should consider whether the person, the company or the organisation you are claiming from is likely to be able to pay you before taking a claim to court. The court may not be able to help you get your money if the other party:

- is unemployed;
- is bankrupt;
- has no money of their own;
- has no personal property or nothing of value (such as a car) belonging to them;
- has stopped trading; or
- has other debts to pay.

If the person or company you are claiming from is bankrupt, you will probably not get your money. You can find out if a person is bankrupt or if a company or an organisation is in 'compulsory liquidation', which means that the company has stopped trading and probably has neither money nor assets, by contacting the Insolvency Service on 020 7637 1110 or visiting www.insolvency.gov.uk

If the person you are claiming from has already been taken to court by others, and has not paid, you may have little chance of getting your money. You can find out if a person, a company or an organisation at a particular address has any unpaid court orders or judgments by visiting the Registry Trust website at www.trustonline.org.uk. The Registry Trust will search the Registry of Judgments, Orders and Fines and will tell you the results of the search. You will have to pay a fee to search each name you are interested in.

Remember, even if you win your case, the court cannot guarantee that you will get the money you are owed.

If I lose the case, what can I do?

If you lose your case and you want to appeal against the judge's decision, you will need to get permission from the court to do so. For more information on appealing against decisions, see our leaflet **EX340 - I want to appeal – What should I do?** (see below).

Where can I get more information?

For general information about solving legal disputes, visit www.gov.uk

For advice on court procedures, to get the forms you need or for help filling them in, speak to the court staff. But remember, they cannot give you legal advice. For example, they cannot tell you if you have a good claim or who you should be claiming from.

You may qualify for legal aid. Visit www.gov.uk/legal-aid for more information.

You may also get free legal advice from a Law Centre or a Citizens Advice Bureau at www.adviceguide.org.uk/

To read our other leaflets in this series, visit hmctsformfinder.justice.gov.uk

For information on consumer issues, contact Consumer Direct on 08454 04 05 06 or visit www.consumerdirect.gov.uk

For issues relating to water, contact the Consumer Council for Water on 0121 345 1000 or 0845 039 2837 (this will redirect you to your local committee) or by email on enquiries@ccwater.org.uk

For issues relating to landline telephones, mobile phones and the internet, contact Ofcom on 020 7981 3040 or you can send an email to Ofcom through their website at www.ofcom.org.uk

For issues relating to gas and electricity, contact Ofgem on 020 7901 7295 or by email on consumeraffairs@ofgem.gov.uk

For information on how to contact ombudsman services, contact the British and Irish Ombudsman Association on 020 8894 9272 or by email on secretary@bioa.org.uk

For contact details of all our courts, visit hmctscourtfinder.justice.gov.uk

For information on mediation, please go online at www.civilmediation.justice.gov.uk

For people with a disability

If you have a disability that makes going to court or communicating difficult and/or you require any information in an alternative format, for example large print, please contact the court concerned who will be able to help you. You can find contact details for all of our courts online at hmctscourtfinder.justice.gov.uk

How a dispute might progress to court

The diagram below shows how a dispute claim can progress through court. This leaflet covers the part of the process that is highlighted.



Being in a dispute

A dispute is when someone is involved in a disagreement with another person or organisation, for example over money owed.

Starting the court process

The court process starts when a claim is made through the courts. The claim can then either be defended or admitted.

Finding an alternative to court

The court requires you to try to settle the dispute using ways other than going to court. These are generally cheaper and faster. If an alternative way is successful, you leave the process here.

The claim is defended

If the claim is defended or if you or the other party cannot agree on the money owed, the dispute will go to court.

or

The claim is admitted

If the claim is admitted, the person whom it was made against should pay what is owed. The dispute then ends and you leave the process here.

or

Fast or multi-track

Claims for more than £10,000 are likely to be dealt with by the fast or multi-track. These cases can be complicated and therefore can take longer than six months to complete.

Small claims track

Claims for £10,000 or less are likely to be dealt with by the small claims track. These cases will usually last less than six months.

Appealing against a court decision

If you or the other party disagree with the judge's decision, you can appeal. You must have proper grounds and permission from the judge to make an appeal.

HM Courts & Tribunals Service is an agency of the Ministry of Justice. The agency is responsible for the administration of the criminal, civil and family courts and tribunals in England and Wales and non-devolved tribunals in Scotland and Northern Ireland. It provides for a fair, efficient and effective justice system delivered by an independent judiciary.

HM Courts & Tribunals Service aims to ensure that all citizens receive timely access to justice according to their different needs, whether as victims or witnesses of crime, defendants accused of crimes, consumers in debt, children at risk of harm, businesses involved in commercial disputes or as individuals asserting their employment rights or challenging the decisions of government bodies.

For more information see www.justice.gov.uk/about/hmcts