

The BFA Dispute Resolution Procedure: Informal Conciliation Application

What is an informal conciliation?

This option assumes that a franchisee has previously tried all reasonable ways to achieve an amicable solution with their franchisor. The BFA doesn't have the power or the right to intervene in a dispute, but if requested we can support resolution by encouraging positive communications.

We'll invite each party to represent their case and reconsider their positions to work towards an agreement. We'll invite the franchisee to complete this form and then ask for a response from their member franchisor. Often this is sufficient to re-establish constructive dialogue. The BFA will not make any comment or judgement in respect of either party's actions. We do however reserve the right to act independently in total confidentiality, to discuss issues of underlying ethical principles with our member franchisors.

Important notes about this form: Please read carefully

1. By signing and submitting this form, it is assumed that all reasonable attempts have been made by the franchisee to resolve the matter with the franchisor directly.
2. The BFA's role in respect of dispute resolution is to support the re establishment of positive communication between the parties with the aim of bringing about a resolution. In the first instance the BFA seeks to facilitate an informal conciliation by allowing each party to re-present their case and reconsider their positions to work towards an agreement. If this is unsuccessful, the BFA can offer the use of its own independent mediation or arbitration schemes. (See details on the web-site.)

The BFA does not act on behalf of the individual franchisees in pursuing individual grievances or complaints against member franchisors. However it can play a positive role in supporting the parties to achieve a resolution.

3. Completing this form gives you the opportunity to summarise clearly the facts of your dispute. Upon receipt, we will forward this form, along with all supporting evidence submitted in its entirety to the member, requesting a written response to your concerns. In many cases, our involvement re-establishes dialogue between parties which, in turn, can lead to a resolution of the problem. For clarity, we will assume the freedom to forward to our Member any items of correspondence or covering emails etc. that we receive from you, unless you specifically instruct us to the contrary. We have found that the greater the transparency, the more effectively the process works.
4. The BFA will not make any comment or judgement in respect of either party's actions, especially if the matter is likely to lead to court proceedings. The BFA does, however, reserve the right to act independently, in total confidentiality, to address issues of underlying ethical principles with our member franchisors. Any such investigations or actions that the BFA may take in ensuring that its conditions of membership are not being breached are confidential to the BFA, and we cannot comment on the progress or outcome of these, or even confirm whether any such action may be taking place.
5. To ensure an audit trail of all interaction between the BFA and parties involved, BFA staff will not discuss disputes over the telephone.
6. The BFA can have no involvement in disputes with non-member franchisors. A list of BFA-accredited members can be found on the website, www.thebfa.org.
7. The BFA's Data Privacy Statement can be viewed online at www.thebfa.org.

Your Details (This should be the person who signed the franchise agreement)	BFA Member Details (of whom you are notifying about a dispute)
Name:	Company Name:
Address:	Address:
Tel:	Tel:
Email:	Email:

Have you complained to the franchisor?

☐ ☐

Yes No

Name of the person notified	
Position within the company (job title)	
Date you first notified the franchisor	
Format of the notification	

Have you received a written response
from your franchisor? (if yes, please enclose)☐ ☐

Yes No

Have you engaged a lawyer?

☐ ☐

Yes No

If YES, please give their name and firm details:

--

Have there been any court proceedings relating to your dispute or are any court proceedings pending?

☐☐

Yes No

If you have answered YES to the above question, please give details:

If your dispute is associated with matters that are the subject of court proceedings, then it is outside the jurisdiction of the BFA and we will be unable to deal further with your dispute.

Please complete the following box with a factual and brief description of your dispute.

How would you like the Franchisor to resolve this dispute?

Does your franchise agreement state a process for the resolution of disputes? If so, please provide an extract of the clause here:

Your permission for us to send this form and all supporting evidence to your Franchisor

By signing this form, I authorise the British Franchise Association to forward a copy of this form along with all supporting evidence submitted and associated correspondence in respect of this claim to the Franchisor named in Part One of this form. I understand that:

- In the first instance, the British Franchise Association will try assist in resolving this complaint through an informal conciliation procedure, where the British Franchise Association will request information from the member involved with regards to my dispute and based on my information and the information from the Franchisor will encourage the member and me to reach a satisfactory solution.
- If either party is not happy with the outcome of the informal conciliation, the British Franchise Association may propose the use of its mediation and/or arbitration services.

I authorise the British Franchise Association to obtain information from the franchisor and to use the information I provide and other information from me necessary to assist in my dispute. I understand that the BFA will not use the information for any purposes that fall outside this dispute. I also understand that, for Data Protection Act purposes the BFA will list me in their database as a franchisee (or other person) who has notified a dispute with a franchisor (or advisor).

Signed:

Date:

This form will be copied and sent to the franchisor in its entirety. The franchisor will be asked to reply to the complaint within 21 days. If you receive a response within this timescale directly from the franchisor, please forward a copy of that response to the British Franchise Association. Thank you.