



## **Kent County Council ADR Scheme**

### **New information about evidence**

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## Guidance on submitting evidence

You must submit evidence in support of your position. The better your evidence, the stronger your case will be and the quicker it will be able to be processed.

In order to remain independent and impartial we cannot offer any advice or guidance to either party on submitting evidence beyond that which is in this document and on our web pages.

It is your responsibility to prove your case and organise your evidence so that our adjudicator can easily make sense of it. If you do not understand the guidance or cannot follow it for any reason, it is down to you to find someone to help you achieve that. We are not allowed to assist either party.

Please ensure that you have all your evidence before you make your first submission to us – we are not able to accept further evidence at a later stage, unless it is to directly disprove or contradict something the other party has said in their evidence. This applies to BOTH parties.

### **Remember, just saying something doesn't mean you have proved it.**

Evidence in support of your position may take many forms including (but not limited to):

- estimates and quotations
- the contract between you and the other party to the dispute
- a report from an independent, qualified professional like a surveyor, architect, engineer or similar
- photographs
- signed witness statements
- correspondence between you and the other party
- correspondence between you and other parties about the dispute
- official reports (for example, from a planning officer, building control officer or a police officer)
- electronic media, such as video.

## Quality of evidence

Different types of evidence will have different value as far as proving your case goes.

For example, in a dispute about building works, evidence from a qualified independent surveyor is likely to have greater value than evidence from someone less qualified.

Evidence from friends or trade competitors is less valuable than truly independent evidence.

Good photographs are of great value but please see, and follow, the guidance below on presenting photographs.

## Organising your evidence

It is important that you organise the evidence you submit so that it proves that it is more likely than not that what you are saying is correct.

Remember, the evidence that you submit is all that the ADR Official will see in assessing your case. If it is disorganised or isn't understandable, your case will be weakened.

The ADR Official won't see anything until the whole file is complete, and they will then see everything. You do not need to repeat yourself or reiterate anything.

The following will help you do this:

- only include things which are directly relevant to your claim
- your first item of evidence must be a succinct summary of what happened
- produce an index or schedule of the evidence you are submitting. [This is an example of an evidence index](#), which you are welcome to use as a template
- give each piece of evidence a number and use this number in the index. Refer to this number in the summary mentioned above
- for each piece of evidence provide a very brief description of the item in the index. For example, "Surveyor's report" or "Email to business"
- if sending texts, WhatsApp messages and the like, put them into the correct order that they should be read. This can be achieved either by collating them into a single document or naming the files to include a sequential number
- include each piece of evidence once only
- where possible, please attach evidence in PDF format (there is usually an option in most applications under 'Save As' to change the file type to PDF, or you can print the document but choose 'Adobe PDF' instead of your printer)

## Photographs and video

Photographs and video can be very helpful in showing the issues that you are seeking to prove, but only if the following guidance is followed.

- only use photographs which prove something. General pictures are of limited value
- our experience is that still pictures are often better at showing an issue than video, unless the issue needs to be shown moving, like a wobbly fence or a water leak, for example
- make sure your photographs show the full scale of the issue you are trying to prove. Close up photographs alone often do not do this
- you must produce an index of photographs. [This is an example of a photo index](#), which you are welcome to use as a template
- give each picture a reference number and use that number in the index
- in the index, give a brief description of each picture, for example "picture of new path taken from far end of garden"
- make sure that pictures are clear and in focus
- don't submit multiple pictures of the same thing
- where possible, submit digital pictures
- limit the overall number of pictures to between 1 and around 20
- label the actual picture, on the front, to explain what it proves, for example "Damage to bath" or "condition of bath when job started"
- if you submit video clips, restrict them to short clips and to only those parts which prove something.

**You must submit a Summary document, an Evidence Schedule and (where applicable) a Picture Schedule. We will not accept applications without these documents.**

***If your evidence does not comply with these guidelines we will not be able to accept it and you will be asked to re-submit evidence which follows the guidance.***

## Responding to the other party's evidence

As part of the ADR process you will be given the chance to comment on the other party's evidence.

If you choose to do so, you do not need to repeat something you have already said. The ADR official will see everything at the same time.

We will only accept comments or additional evidence in order to disprove or contradict something the other party has said, or to respond to a question they have raised.

Focus your response on the issues in dispute. Personal attacks on the other party are unhelpful in proving your case.

If you submit extra evidence in responding, please organise it in a similar way to your initial evidence.

## Document and file guidance for initial online application by consumer

When you are [referring a dispute](#) you can attach up to 15 documents to support your case. Your summary and index documents are in addition to this.

There are also other limits you must adhere to:

- All your documents together - including the summary and index(es) - must not total more than 18mb
- There is a 1mb limit per document for the summary and indexes
- Your other evidence documents cannot be more than 5mb each, and therefore the actual number of files you can attach may be less than the allowed maximum of 15 if they are large files.

If you wish to attach larger or more documents than the application form allows then you should upload **one** zipped folder containing your supporting evidence. We are not able to accept multiple or nested zipped folders – all your evidence documents should be contained in a single folder with no sub-folders. Do not include your summary document or indexes in the zipped folder. They must be attached to the application form separately. **Please do not use a zipped folder unless your evidence will otherwise exceed the stated limits.**

Zipping files usually reduces the file size and enables secure and speedy transfer of information via the online form, however please be aware that sometimes zipping files does not decrease their size, and you should check that your zipped folder does not exceed the stated limit before sending it.

**Whether you use a zipped folder or you attach the documents individually, if you try to attach too much, either in size or number of files, we may not receive your application. It is therefore vital that you follow this advice.**

## Accepted document types (for all evidence submissions by both parties)

It is **preferable** that all documents should be converted to PDF before submitting them (assistance on doing this is given later in this document). However, we can also accept:

- word documents
- .jpg and .png photo files (we are not currently able to accept HEIC files)
- .txt files
- audio and video files

If your video files are too large to attach to the application form, even using a zipped folder (see instructions later in this document), you can do one of the following:

- email us ([adr@kent.gov.uk](mailto:adr@kent.gov.uk)) and request access to our secure SharePoint site, where you can upload your files. This is our preferred method, and therefore the one you should use if at all possible
- email them to us after you have made your application, quoting the application reference number. If you do this, you will be accepting all responsibility under Data Protection regulations if any personal or confidential data is unlawfully accessed during the email process
- if you cannot use the SharePoint site and your files are too large to email, you can put them on to a CD or DVD and post that to us. When formatting the disc, or choosing how the file should be written, you must use the option which does it like a USB Flashdrive and not for use with a CD/DVD player, as we will need to download the file(s) once received
- **Important:** If using email or post, make sure you let us know, by putting a note on your application form, that you will be submitting files in the alternative way, so we know to expect them. You must also ensure that your reference number accompanies the files so we can match them to the correct case

The above are the **ONLY** formats you can use to send your files to us and we are **not** able to accept any other file types or ways of submitting evidence, including (but not limited to):

- Excel or 'Numbers' files
- 'Pages' documents
- HEIC photo files
- emails between you and another party which you then forward to us, or any kind of email file type – they must be converted into one of the acceptable file formats above
- evidence within links or on webpages. Again, the relevant information must be sent in one of the acceptable file formats
- USB flashdrives or SD / memory cards
- links to file sharing websites and cloud- or web-based drives, for instance, but not limited to, YouTube, Dropbox, Google Drive or WeTransfer

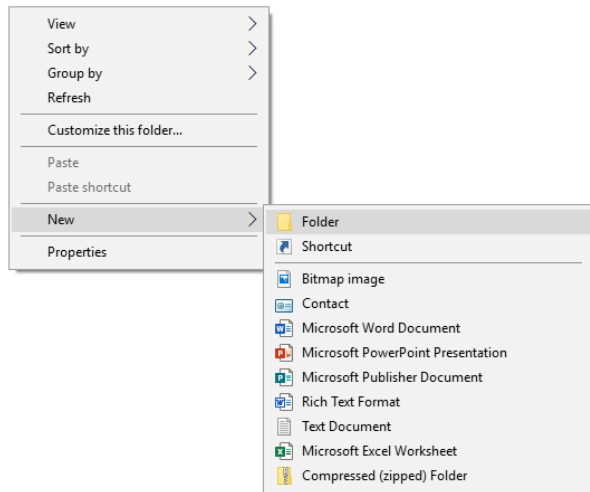
**If you submit files that are not in one of the approved formats then we will not be able to open them and you will be asked to re-submit them.**

## How to create a standard folder using a Windows computer or laptop

It is important to keep all of your files together to create a zip folder (instructions are shown later in the guidance)

To create a folder, go to 'my documents' and right click in a white space within the folder.

Select from the drop down list "new" then "folder".



Name your folder something that you will easily associate with your referral. Once created it is ready to receive the documents relevant to your referral.

## How to create a standard folder on an Apple Mac computer or laptop

It is important to keep all of your files together to create a zip folder (instructions are shown later in the guidance)

To create a folder, go to your 'finder app' and select 'documents' from the left-hand side menu.

Click on the cog wheel and select 'new folder'.

Name your folder something that you will easily associate with your referral. Once created it is ready to receive the documents relevant to your referral.

# How to decrease the file size of photos by putting them into one PDF document

Start with a blank Word or other word processing document.

Either 'drag and drop' or use the Insert function to put a photo into the document. If necessary, you can adjust the size of the photo by dragging one of the corners.

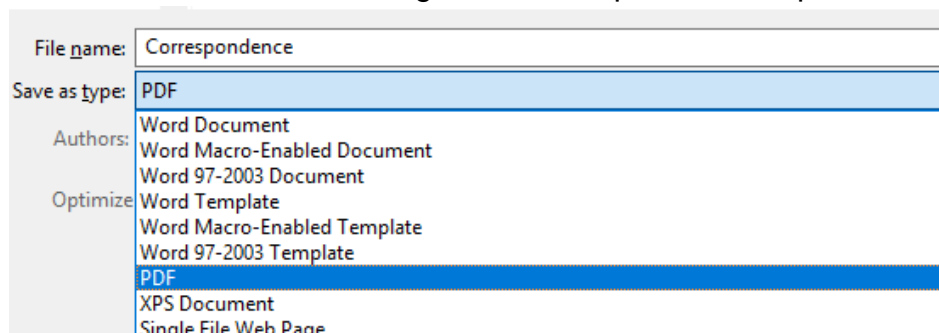
Because it's a word processing document, it is also easy to add text to explain what the picture shows, the reference (to correspond with your Picture Schedule), or other relevant information, if you want to.

Continue to add all your photos to the same word processing document.

Once you have inserted all your photos, use the instructions below to turn the word processing document into a PDF.

## How to convert documents to PDF on a Windows computer or laptop

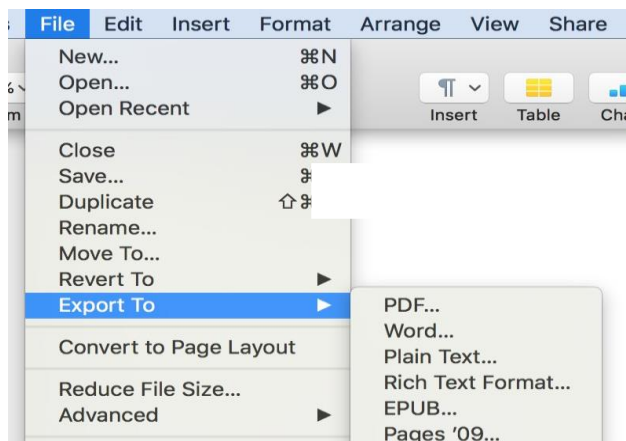
To convert your word documents or photo files to a PDF, you can simply do this by going to File, Save As and choosing from the drop down the option of PDF:



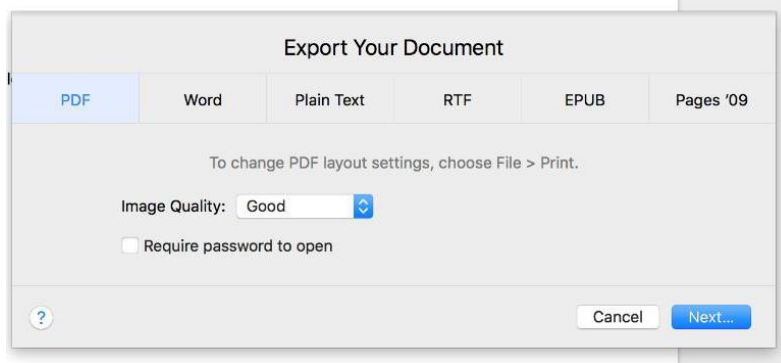
Alternatively, you can start the 'print' process, and pick Adobe PDF from the list of printers.

## How to convert your documents on an Apple Mac computer or laptop

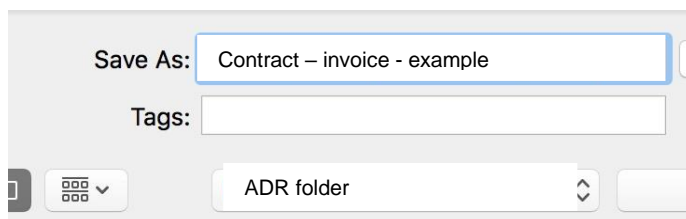
Open the document you wish to convert and click 'file' then 'export to'. Select PDF.



Click Next



Enter the name of the document and select the folder you wish to place the document in. Once completed, your document will be shown in the folder you created.

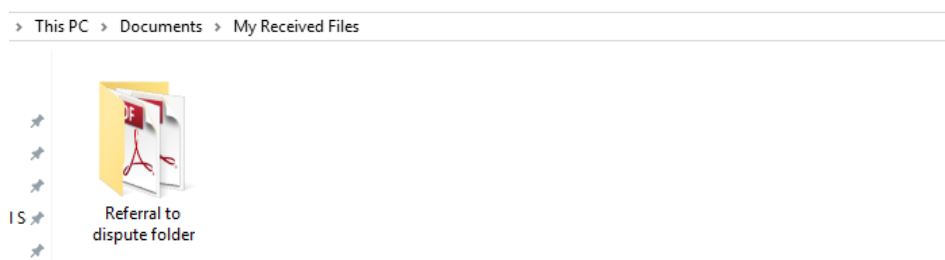


## How to zip all the documents in your folder on a Windows computer

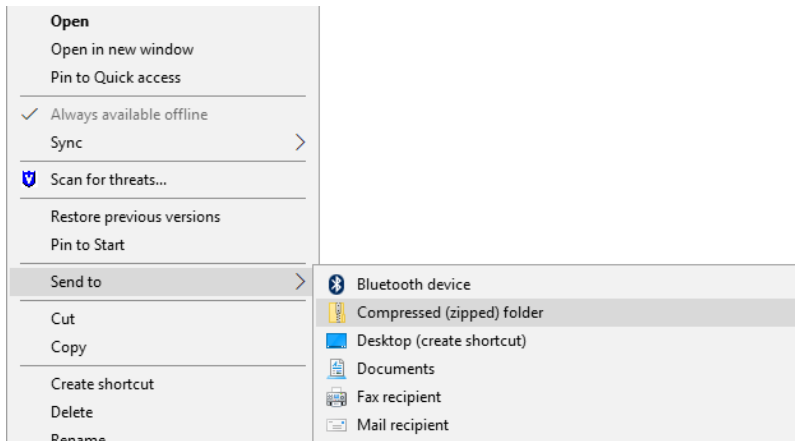
Ensure that you have the relevant documents in one folder:

This PC > Documents > Referral to dispute folder				
	Name	Date modified	Type	Size
	Contract	26/09/2019 13:50	Adobe Acrobat D...	6 KB
	Invoice	26/09/2019 13:51	Adobe Acrobat D...	6 KB
	Quotes to Rectify	26/09/2019 13:52	Adobe Acrobat D...	6 KB

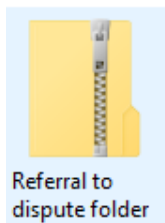
Go back to where your folder is placed, for this instance it is “Documents”, and find the folder.



Right click on the folder, select 'send to' and then 'compressed (zipped) folder'.



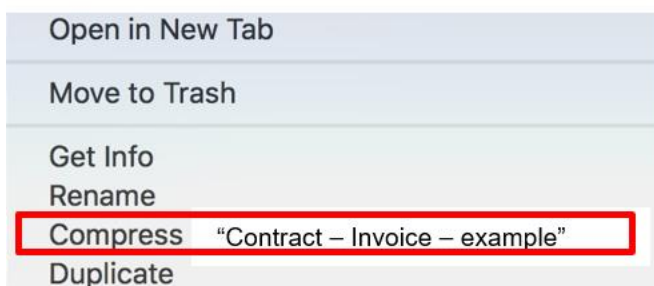
Your folder will then duplicate itself and create a zipped folder.



This document is now ready to add to the form.

## How to zip all the documents in your folder on an Apple Mac or laptop

Open your 'finder app' and locate the folder you need to Zip, right click on the folder name and select "compress..." from the menu that appears



The folder will now appear and is ready to add to the form.

