

Guidance Notes for Retailers

The Press Distribution Forum has developed the Press Distribution Charter (PDC) as its promise of good service. It sets out the minimum standards that you can expect from publishers and wholesalers for every delivery. It is designed to get the right product to the right place at the right time. By being very clear on what is required, it is intended that the Charter will improve service for everyone and, most importantly, help retailers to serve their customers.

With such a complex and time sensitive operation it is inevitable that problems will occur from time to time. Most issues can be quickly resolved and the Charter will help to achieve this. But in the event that problems are more **serious or persistent**, the Charter is supported by a complaints process. These notes of guidance will take you through that process step by step and help you understand what evidence you need to provide in order to support your complaint.



THE PROCESS EXPLAINED

Stage 1

The PDC is designed to resolve **serious or persistent** breaches by your wholesaler, publisher or distributor of one or more of the clauses contained in it. Therefore it should not be used as the first resort for occasional service blips where a simple phone call, email or fax to your wholesaler's Customer Service department may easily resolve the matter.

Neither does the Charter replace the need to have a constructive working relationship with your wholesaler. However, even the best of relationships sometimes need help and the PDC provides the means for both parties to resolve disputes.

If you believe that you have suffered a breach, identify the clause in the PDC that has been breached. Contact your wholesaler and state that you wish to make a PDC Complaint. Your wholesaler will be able to identify whether your complaint can be dealt with as a wholesaler complaint or should be passed on to a publisher or distributor.

Your complaint must contain sufficient detail to enable the respondent (wholesaler, publisher or distributor) to understand what it is about and what remedy you are seeking.

The wholesaler, publisher, or distributor has 48 hours to respond to you, once they have received your complaint. If there is no response, or if you do not accept the response, you may then move to Stage 2.

Stage 2

If the complaint has not been satisfactorily resolved by discussion within 48 hours, as described in Stage 1 and it is **serious or persistent**, you are able to make a request that it becomes a Stage 2 PDC Formal Complaint.

Serious will be determined by the circumstances of each individual case.

The process is not designed to deal with small issues, but to cater for serious or persistent problems. For example you might be able to make a complaint if your;

- Terms and conditions are not clear and do not meet the minimum standards of the Charter.
- Newspapers or magazines arrive after your RDT/STD or don't arrive in a saleable condition.
- The documentation about your delivery is not clear.
- Wholesaler does not give you access to information to help you manage your supply.
- Unsold are not collected and credited promptly and accurately.
- Vouchers are not received, processed and credited efficiently.
- Invoice is not detailed and accurate clearly showing all your charges and credits.
- Wholesaler fails to answer questions about your invoice or the service you receive.
- Wholesaler fails to give you support on sub-retailing.

Persistence

Newspapers – The same problem occurs three times in three weeks for Monday to Friday newspapers three times in six weeks for Saturday or Sunday newspapers.

Magazines – The same problem occurs three times in six issues of a weekly, fortnightly or monthly magazine.

To make a Stage 2 PDC Formal Complaint you should request a complaint form from the company that you engaged through the 48 hour informal discussion process, from the PDC website www.pressdistributionforum.com, or from the PDC Administrator (see contact details below).

Wholesaler Complaints

Request your Stage 2 PDC Complaint form, complete and return to your wholesaler as per guidelines detailed below.

Newspaper Complaints

In the case of complaints about newspapers, your wholesaler will provide you with the contact details of the individual publisher you wish to complain about.

Please note: Express Newspaper Group and Financial Times are not members of the Press Distribution Forum, therefore wholesale will direct your complaints regarding their titles straight to the relevant newspaper publisher. The Express, Sunday Express, Daily Star, Daily Star on Sunday and Financial Times.

Your wholesaler will assist by passing completed Stage 2 PDC Formal Complaint Forms onto the relevant account managers of the publishers, to investigate.

or

If you have contacted and raised a complaint about late in bound newspapers direct with your wholesaler without submitting a Stage 2 PDC Formal Complaint Form, your wholesaler will supply you with the contact details of the relevant newspaper publisher.

Magazine Complaints

For complaints concerning magazines which cannot be resolved by your wholesaler, you should contact the Professional Publishers Association:

Nicola Rowe
PPA Offices
Second Floor
35 – 38 New Bridge Street
London
EC4V 6BW

Or email: nicola.rowe@ppa.co.uk and they will contact the relevant publisher on your behalf.

The Press Distribution complaints process cannot be used if the incident complained of occurred more than three months ago.

Completing Your Complaint Form

Once you receive the Stage 2 PDC Formal Complaint Form you must ensure that it is completed and sent back within the timescales set out by the wholesaler, publisher or distributor of seven days. You will have to supply full details of your complaint which are sufficient for everybody concerned to know exactly what you are complaining about, so it needs dates, times, titles and figures. Some examples of the evidence that is required appear later.

In addition, you should attach any documentary evidence that you have in support of your case as proof of your complaint. This could include invoices, delivery notes or a log of the times when your deliveries were made.

Check your form and supporting evidence very carefully. Please remember that only the matters referred to on the form will be considered as part of your complaint. A bundle of documents does not constitute a 'complaint'. If you are claiming financial restitution you must say so on the form and include a detailed breakdown of the amount you are claiming and include supporting evidence.

If you do not respond within the time-frames allowed it will be deemed that you do not wish to continue with the complaint and your complaint will lapse.

On receipt of your Stage 2 Formal Complaint Form your wholesaler, publisher or distributor has a maximum of 28 days from the date of issue to resolve your complaint and send its response to you.

Restitution

Should your complaint involve a claim for restitution, the following awards will normally apply:

Wholesale restitution

Will normally be awarded as follows:

In circumstances where the wholesaler was at fault for non-delivery of products or under- allocation of products the wholesaler will reimburse the customer for lost margin on the sale of that product.

In circumstances where the wholesaler was at fault for late-delivery of products and that lateness necessitated the redelivery of HND copy the wholesaler will reimburse the customer 55p per copy redelivered, with a minimum award of £5.50.

Newspaper & Magazine Publisher /Distributor

Publisher/Distributor restitution is awarded for the proven net loss established as follows:

In circumstances where the publisher/distributor was at fault for late-delivery of products and that lateness necessitated the redelivery of HND copy the publisher/distributor will reimburse the customer 55p per copy redelivered, with a minimum award of £5.50.

The amount of restitution in the case of proven loss in respect of any one shop for any one claim shall not exceed £60. The total amount in respect of any one occurrence shall not exceed £6,000.

Restitution under the Press Distribution Charter can only be awarded for proven loss on the sale of newspapers and magazines. It does not cover any other items sold by the retailer.

Stage 3

If you are happy with your wholesale, publisher or distributor response, please advise them accordingly. However, if your wholesaler, publisher or distributor has not responded within 28 days, or you are not happy with the response, you will need to decide whether to take your complaint to Independent Arbitration.

In this case you must tell your wholesaler, publisher or distributor that you would like to refer the dispute to the Independent Arbitrator and request the Stage 3 – Retailer Statement of Case form from the PDRP Administrator (see contact details below).

Complete and sign the form and send it within 7 days to the Chairman of the Press Distribution Review Panel at:

The Chairman
Press Distribution Review Panel
67a South Street
Stanground
Peterborough
PE2 8EX

By signing the form you agree to the Independent Arbitrator adjudicating your dispute.

The Chairman of the Press Distribution Review Panel will refer the dispute to the Independent Arbitrator; a member of the Chartered Institute of Arbitrators, to consider the evidence provided by the retailer and the wholesaler, publisher or distributor and make adjudication within 14 days.

The Independent Arbitrator will base their decision on what is fair and reasonable having regard to the evidence in front of them, good industry practice, relevant industry agreements and the law.

If the Independent arbitrator or PDC Administrator asks you to supply more information, you will have 7 days in which to respond, otherwise the Independent Arbitrator may conclude their adjudication on the evidence that is available. It may, therefore, prejudice your case if you do not provide the facts requested within the 7 days allowed.

Once the Independent Arbitrator has made their recommendation you will be sent a formal copy of it. The Independent Arbitrator's recommendation is the final stage in the PDC process, but does not prohibit either party from applying to the Courts for relief.

The table below represents examples of the evidence that needs to be supplied by the retailer when making a Stage 2 Press Distribution Charter Complaint. By providing the information you will be enabling the wholesaler, publisher/distributor or Independent Arbitrator to know exactly what you are complaining about and the extent of the alleged failure to meet a PDC standard. The examples given cover the most common complaints; please use them as a basis for putting together evidence for complaints concerning other standards.

If you are not sure about how to make a complaint, what evidence to supply or any other aspect of the Charter, please don't hesitate to contact the PDRP Administrator:

PDRP Administrator
67a South Street
Stanground
Peterborough
PE2 8EX

Telephone: 0843 289 3967

Email: admin@pressdistributionforum.com



Examples of Evidence Required From the Retailer

2 Delivery - Timeliness	Retailers Necessary Information
<p>2.1 The wholesaler will deliver all titles and their appropriate sections, no later than the Retail Delivery Time (RDT), or Scheduled Delivery Time (SDT), for the day of sale.</p>	<ol style="list-style-type: none"> 1. Some proof of the RDT/SDT showing the required delivery time or scheduled delivery time. 2. A 5-column list for each date that is the subject of the claim, showing: title name, quantity, cover price, RDT/SDT time, actual arrival time. If claiming restitution for unsold copies, a summary of the amount claimed, a copy of the Returns Note showing the titles/number of copies returned on the subject date and a copy of the last 3 previous Returns Notes for the equivalent day.
3 Delivery - Quality	Retailer's Necessary Information
<p>3.3 Supplies will be delivered in a saleable condition with each parcel identified by a quantity and title on the delivery note.</p>	<ol style="list-style-type: none"> 1. A 5-column list for each date that is the subject of the claim, showing: title name, quantity, cover price, unsalable quantity, reason (e.g. wet, damaged, incomplete). 2. If claiming financial restitution for unsold copies, a summary of the amount claimed, a copy of the Returns Note showing the titles/number of copies returned on the subject date and a copy of the last 3 previous Returns Notes for the equivalent day.
4 Order and Supply Management	Retailer's Necessary Information
<p>4.1 The wholesaler will fulfil retailers' orders, and honour order amendments, where there is sufficient copy available to do so.</p>	<ol style="list-style-type: none"> 1. Provide a 6 column list showing: title ordered, price, quantity ordered, date ordered, quantity supplied, number of actual sales missed following sell out (if applicable). 2. Attach a copy of the relevant last 3 returns notes showing quantity unsold.
5 Returns Management	Retailer's Necessary Information
<p>5.9 Wholesalers will process all returns collected from retailers for credit on the next available invoice, normally for the same week as collection.</p>	<ol style="list-style-type: none"> 1. Provide details showing, title, price, quantity returned, off-sale date, date returned. 2. Attach a copy of the relevant returns note. 3. Attach a copy of relevant correspondence from the wholesaler.
7. Voucher Processing	Retailer's Necessary Information
<p>7.3 All valid vouchers returned will be credited within 14 days of return.</p>	<ol style="list-style-type: none"> 1. Provide details of any failure to credit vouchers on the next possible invoice/credit note. Include details of date returned, value and date credit given.
9 Customer Service	Retailer's Necessary Information
<p>9.5 Email correspondence to wholesalers will be acknowledged within a maximum of two working days of receipt. Postal correspondence will be acknowledged within a maximum of five working days of receipt.</p>	<ol style="list-style-type: none"> 1. Provide details of any failure to comply with this standard including dates of correspondence/faxes and date of response. 2. Attach copies of relevant correspondence.