



Guide to complaints (for members)

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All property agents who carry out estate, lettings and property management work, have a legal responsibility to join a government authorised consumer redress scheme, like the Property Redress Scheme (the PRS).

The PRS is authorised to offer a complaints process to consumers about the services of one of our members and provides an opportunity resolve complaints quickly and easily, and as an alternative to the traditional option of going to court.

Our members are required to co-operate with our complaints process and comply with any final decision. A member who does not co-operate is likely to have their membership cancelled and will be unable to join another government authorised redress scheme.

This guide offers an overview of the complaints service we provide to you, if at any point, the consumer feels you have fallen short of the service they expected and they have raised a complaint with us.

Note: The content of this guide does not constitute legal advice. It aims to offers help and information and should be read together with our Model Internal Complaints Process for members, as well as our Terms of Reference and Conditions of Complaints.

Alternatively you may wish to take independent legal advice.

Steps to avoiding a complaint

We have found that most complaints can be resolved simply by talking through the issues and reaching mutual agreement early on in the process. See our Model Internal Complaints Process.

In the first instance we recommend you:

- remind yourself of your responsibilities to the consumer
- refer to any relevant terms of agreement, industry code of practice or any other industry regulations that apply to you

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- make every effort to negotiate a resolution if it will prevent a formal complaint
 - follow your internal complaint process and respond fully within your set time frame
 - be prepared to compromise!

Preparing your evidence

The person making the complaint will have to provide evidence to support each part of their complaint showing that you, the member, have breached your responsibilities.

You should respond to each part of the complaint, making sure that your rebuttal response is also supported by relevant evidence (see our evidence checklist) For details of our timescales please see our Conditions of Complaints.

You will also need to show that you have acted correctly by following your own complaints process and that you responded within the set timescales.

Your evidence should be:

- clear and concise
- relevant to the complaint
- laid out in chronological order

The PRS can request further information and clarification but remember the process is subject to timescales and the onus is on you to present your case as fully as possible. If you refer to a document or supporting evidence, include it when you respond to the complaint as you may not be able to rely on it later in the process. The process is completely evidence based.

How the complaint process works

We will always make sure that a complaint has gone through your full complaints process first, and unless there were any extenuating circumstances, you were allowed up to 8 weeks to investigate and resolve the complaint.

If the case has been escalated to us, we will follow the process summarised below:

1. Raising the complaint

The consumer has raised their complaint with us and provided evidence of their original complaint email/letter to you

2. Accepting the complaint

The complaint has been accepted under our criteria see our Conditions of Complaints

3. Advising the member about the complaint

The member can then view the completed complaint form and evidence through their online account and has 10 working days to try to resolve it directly with the person who made the complaint

4. If the complaint is not resolved

If the complaint is not resolved the member has to provide their rebuttal response and relevant supporting evidence (see our Evidence checklist)

5. Resolving the complaint by early resolution

We will then try to resolve the complaint early by speaking to you and the other party to try and reach a mutual agreement

6. If early resolution is unsuccessful

The complaint will then be escalated to the next stage when we will make a proposed decision. This will be binding on both parties, unless a review request is made

7. Reviewing the decision

A decision can only be reviewed if there has been an error in fact, an error in law or we have made an administrative error that has affected the decision

8. Accepting a review request

When a review request is accepted, we will make a final decision which is binding on the member, if the person who made the complaint accepts it

9. If the person who made the complaint does not accept the final decision

If the person who made the complaint does not accept, or respond to the final decision, they still have the option of taking the case to court. Where there is no response we will conclude that they do not agree with the decision and the case will be closed

10. If the member does not comply with our final decision

If you, the member, do not comply with our decision the person who made the complaint can take the case through the courts and use the decision as evidence. In addition, you will be subject to our disciplinary process as set out in our Terms of reference.

