

# Guide to awards

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We are committed to dealing with all complaints fairly and impartially and recognise that every complaint we receive is individual. Before deciding if the member has made a mistake or treated the person making the complaint unfairly, we will assess each party’s position together with their evidence. Any award is then based on what is fair and reasonable in the circumstances, to put things right.

This guide has been written to give you a general overview on how we approach making an award. However where an award does differ from this guide, the reasons will be clearly explained in the decision.

| For us to be able to deal with a complaint it must meet our acceptance criteria, on the grounds that:  | Awards may be one of the following, although this list is not exclusive:   |
|--|--|
| <p>the member has not fulfilled all their legal responsibilities</p> <p>the legal rights of those making the complaint have been affected or breached</p> <p>the member has not acted in line with any code of practice they signed up to, or with any internal rules, procedures or statements of best practice</p> <p>there has been unfair treatment by the member; including, but not limited to:</p> <ul style="list-style-type: none"> <li>• poor or incompetent service</li> <li>• rudeness or discourtesy</li> <li>• a lack of clear explanation</li> <li>• not completing a transaction efficiently or as reasonably expected</li> <li>• avoidable delays by the member in delivering agreed or expected service/s</li> </ul> <p>More information can be found in our Conditions of Complaints <a href="#">here</a></p> | <ol style="list-style-type: none"> <li>i. apology</li> <li>ii. explanation</li> <li>iii. practical action/solution to minimise any loss</li> <li>iv. repayment of actual loss and/or costs paid, supported by relevant evidence</li> <li>v. a payment in recognition of the time and trouble taken to make the complaint</li> <li>vi. a payment, where appropriate, for inconvenience and distress</li> <li>vii. an appropriate action suggested by the person making the complaint, or decided by us</li> </ol> |

Award bands

|             |                      |  |
|-------------|----------------------|--|
| Apology     | Guide to apologising |  |
| Mild        | Up to £200           | Minor breach, minimal, if any, stress, inconvenience                   |
| Moderate    | £200 - £500          | On-going issues over a period of time, moderate breach, more than mild |
| Substantial | £500+                | Major breach/serious distress  |

Common examples

| Example situations where the member: | Likely/typical scenarios   | Likely type of award |      |          |             |   |
|--------------------------------------|--|----------------------|------|----------|-------------|---|
|                                      |  | apology only         | mild | moderate | substantial | specific performance                    |
| provided misleading information      | the agent did not provide material information such as fees and charges                        |                      | ✓    |          |             | if already charged, a refund may be due |
|                                      | the agent did not provide accurate information leading to a breach of Consumer Protection Regs |                      |      |          | ✓           |   |
| did not provide documents            | a tenancy agreement  |                      | ✓    |          |             | provide agreements                      |
|                                      | a management agreement   |                      | ✓    |          |             | provide agreements                      |
|                                      | inspection reports   |                      | ✓    |          |             | provide reports                         |
|                                      | inventory/check-in and check-out reports   |                      | ✓    |          |             | provide documents                       |

Common examples

| Example situations where the member:  | Likely/typical scenarios  | Likely type of award |      |          |             |                                 |
|---|---|----------------------|------|----------|-------------|---------------------------------|
|   |   | apology only         | mild | moderate | substantial | specific performance            |
| did not act in accordance with instructions                                       | not protecting a tenant's deposit   |                      |      | ✓        |             |                                 |
|   | not producing an inventory/check-in report or check-out report                        |                      |      | ✓        |             |                                 |
|   | not carrying out inspections at all   |                      |      | ✓        |             |                                 |
|   | not arranging for safety checks such as a GSC or an EPC                               |                      |      | ✓        |             |                                 |
|   | not serving notice on a tenant  |                      | ✓    |          |             |                                 |
|   | not carrying out repair work  |                      | ✓    |          |             |                                 |
|   | not carrying out adequate referencing   |                      |      |          | ✓           |                                 |
| did not produce annual accounts for a leaseholder or RMC                          | award will depend on the loss or detriment evidenced by the leaseholder or freeholder | ✓                    | ✓    |          |             | produce service charge accounts |
| did not transfer rent to the landlord on time                                     |   |                      | ✓    |          |             |                                 |
| did not respond to a formal complaint to an acceptable standard or quickly enough |   | ✓                    |      |          |             |                                 |

Common examples

| Example situations where the member:                              | Likely/typical scenarios   | Likely type of award |      |          |             |   |
|---|--|----------------------|------|----------|-------------|---|
|   |  | apology only         | mild | moderate | substantial | specific performance                                    |
| did not give correct notice to enter a property                   |  |                      | ✓    |          |             | an apology may be appropriate if this only happens once |
| did not communicate effectively or professionally                 | rude communication   | ✓                    |      |          |             |   |
|   | delays in responding to communication  |                      | ✓    |          |             |   |
|   | not responding to communication  |                      | ✓    |          |             |   |
| did not adhere to a tenant's requests at the start of the tenancy | not cleaning the property  |                      | ✓    |          |             |   |
|   | not carrying out repairs   |                      | ✓    |          |             |   |
|   | not removing previous tenant's belongings                                    |                      | ✓    |          |             |   |
|   | not carrying out health and safety checks                                    |                      | ✓    |          |             |   |
| Extensively fell short in their duty of care and professionalism  | causing loss, delays, inconvenience and the need to take out a bridging loan |                      |      |          | ✓           |   |
| Where the member showed a lack of duty of care                    | the member has not provided any formal complaints process                    | ✓                    |      |          |             |   |

## The Property Redress Scheme

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For more information please visit our resources section on our website:

 [www.theprs.co.uk](http://www.theprs.co.uk)

 [complaints@theprs.co.uk](mailto:complaints@theprs.co.uk)

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