



# Complying with our decisions

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## Decisions

Decisions made by the Property Redress Scheme (PRS) are based on the evidence submitted by the member and complainant. Decisions take into account all relevant regulations, industry guidance, codes of practice and the law, our Terms of Reference and Conditions of Complaints.

Decision makers have the discretion to make awards which vary from an apology to damages for evidence of loss and costs spent to remedy a situation, as well as compensation payments for such things as distress and inconvenience experienced.

## Complying with our decisions

Members are required to comply with all decisions within the given time period, depending on the award(s) made. See the chart below and section L in our Conditions of Complaints .

## During this process:

We will send emails and make telephone calls to the member to remind them of the deadline, to make sure the agent is fully aware of the process and to ask for updates. The person who made the complaint will be kept fully informed, however they are required to also keep us informed if the member complies at any point, either partially, or in full with the decision.

## Case complied with:

If the member does settle in full, on or before the given deadline, both parties must tell us in writing. Once the member has paid any complaint fee due, the case will then be closed.

## Warning :

Sometimes the member chooses not to comply with the decision and pay any complaint fee due, despite our best efforts to chase by email and given another (10 working days) opportunity to comply. We will then begin to carry out a full investigation in line with our Terms of Reference, section G and Conditions of Complaints, section L and the member will be charged a fixed penalty fee of £100.00 for not complying with the decision which must be paid within 10 working days.

If the member agrees and pays any complaint fee due within 5 working days then the invoice will be waived and the case closed.

### What happens if members still does not comply?

If the member continues to refuse settling the decision and/or pay any complaint/penalty fee due, our compliance officer will then make a recommendation to the Head of Redress and Managing Director who will decide if their membership should be cancelled.

At any point before a membership is cancelled, the agent still has an opportunity to comply with the decision and avoid their membership being cancelled but will remain responsible for paying any complaint fee due, as well as the penalty fee.

### Cancelled membership:

If the decision is to cancel a membership, members will be informed in writing and provided with the reasons for this. The suspension process can take up to 5 working days.

### What are the consequences for the member?

If a membership is cancelled we will inform the other Government authorised consumer redress scheme, Trading Standards, the relevant local authority and any trade association which the member has joined. We will also add the name of the member to a public list of expelled members and reserve the right to send out a press release in relation to the expulsion.

**Note:** If the member has joined on a voluntary basis, our internal rules will still apply, however, if the member has been expelled, we will only notify the Property Ombudsman in line with our Memorandum of Understanding and the expelled member will not be able to join the other scheme until such time as they have complied fully with our decision. At any point before a membership is cancelled, the agent still has an opportunity to comply with the decision and avoid their membership being cancelled but will remain responsible for paying any complaint fee due, as well as the penalty fee.

### Can the member just go and join another redress scheme?

No. The two schemes have an agreement to share the information, with each other, when a property agent's membership has been cancelled. No agent in this position will be accepted by the other consumer redress scheme unless confirmation is provided by the first scheme that the agent has settled all responsibilities to the scheme and complied fully with any outstanding awards.

### What can Trading Standards do?

Trading Standards are there to protect the consumers of businesses across the UK. Trading Standards officer's (TSOs) are responsible for investigating consumer complaints against a business and make sure they do not breach the consumer trading regulations.

Where a member has been formally expelled from a redress scheme and has not been able to join another redress scheme for the reasons described above, if they continue to trade they would be doing so illegally. Trading Standards are the lead authority in enforcing this legislation and will investigate these matters. Members can be fined up to £5000 for any breach.

**Key point** - Trading Standards have the power to close down businesses, change business practices and take a business to the First Tier Tribunal where appropriate.

### What are the consumers' options?

The person making the complaint can follow one, or both of the following processes where the member has not complied with a redress scheme's decision:

First, we recommend contacting their local Trading Standards office, who will be aware from National Trading Standards that the agent is currently expelled from the scheme and, if they are still in business, trading illegally.

Second, as we are a Government authorised dispute resolution service, the complainant has the choice of taking the scheme's decision to court who can order the business to comply.

**"Our decisions carry weight in a court of law and the agent is bound by what we decide. A court can also add costs or additional damages if they feel it's appropriate. Do however take legal advice before pursuing a claim"**

Sean Hooker, Head of Redress