



The Property Institute (TPI) Individual Member

Independent Adjudication Service

Service Rules

(January 2025 edition)

These rules apply to completed application forms received by CEDR on or after 20 January 2025 and should be read in conjunction with any guidance documentation that can be found at www.cedr.com/consumer/individualmembers/overview/.

If you require this document in an alternative format, please contact CEDR for further details.

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1. Introduction

- 1.1. The Property Institute (TPI) Individual Member Independent Adjudication Service (“the Service”) is administered by Centre for Effective Dispute Resolution (“CEDR”). The Service provides an informal and independent way of considering complaints made against Individual Members of TPI (“the Individual Member”) by a Complainant, together known as “the Parties”. This is done by way of an adjudication process (“the Adjudication”). The Adjudication will be undertaken by an independent adjudicator (“the Adjudicator”) appointed by CEDR from its Adjudication Panel.
- 1.2. To use the Service, the Complainant must have been provided with a referral code by TPI referring them to CEDR (“the Referral Code”). The Complainant must send a completed application form displaying the Referral Code (“the Application”) to CEDR setting out their complaint. The Service is free of charge to the Parties. Use of the Service is mandatory for Individual Members where an eligible application has been made to the Service by a Complainant.
- 1.3. An adjudicator appointed under these Rules will make a decision by considering the information received from the Parties, and those regulations, codes of practice and guidance documents that an adjudicator considers to be relevant. This decision will be either to make one or more recommendations that TPI’s Individual Member Complaints Committee (“TPI’s Complaints Committee”) take disciplinary action in relation to the Individual Member, or to make no recommendation. The recommendations the adjudicator can make are limited to:
 - 1.3.1. that the Individual Member provides the Complainant with a letter of apology;
 - 1.3.2. that the Individual Member undertakes further training;
 - 1.3.3. that the Individual Member is suspended from TPI for a specified period of time;
 - 1.3.4. that the Individual Member is expelled from TPI.
- 1.4. A ‘Complainant’ is:
 - 1.4.1. a third party directly connected to the subject matter of the complaint; or
 - 1.4.2. TPI; or
 - 1.4.3. a member or associate of TPI directly connected to the subject matter of the complaint.
- 1.5. Applications to the Service will be accepted from Complainants or their appointed representatives. A representative can only be appointed if:

- 1.5.1. the Complainant provides, with their application to the Service, signed authority confirming that they agree to the representative acting on their behalf; or
 - 1.5.2. the representative provides, with the application to the Service, a valid legal document giving them authority to act on the Complainant's behalf (e.g. a valid will or lasting power of attorney).
- 1.6. Any decision of the Adjudicator is non-binding. TPI's Complaints Committee shall have the sole discretion to action any or none of the recommendations made by the Adjudicator.
- 1.7. Any decision made by an adjudicator applies only to the specific complaint referred to the Service. Under no circumstances do decisions made by adjudicators set precedents for other complaints.

2. What the Service covers

- 2.1. The Service can be used to consider complaints where a Complainant alleges that the Individual Member has breached, or is in breach of, TPI's Code of Conduct ("the Code"). The Individual Member must be directly connected to the act(s) and/or omission(s) that form the subject matter of the complaint.
- 2.2. The Service cannot be used to consider complaints, or parts of complaints, which fall into one or more of the following categories:
 - 2.2.1. complaints that contain no aspect covered by the Service as set out at Rule 2.1;
 - 2.2.2. applications that are made to the Service by (or, in the case of nominated representatives under Rule 1.6, on behalf of) someone who does not fall within the definition of 'Complainant';
 - 2.2.3. where the most recent alleged incident to which the complaint relates occurred more than 24 months prior to the date on which the Complainant referred the complaint to the Service (this time limit does not apply if the complaint relates to a criminal offence);
 - 2.2.4. for an Individual Member that has recently been granted membership or associate status by TPI, where the most recent alleged incident to which the complaint relates occurred more than 12 months prior to the date on which the Individual Member was granted membership or associate status by TPI (this time limit does not apply if the complaint relates to a criminal offence);
 - 2.2.5. where, in the opinion of CEDR and/or the Adjudicator, the subject matter of the complaint is not appropriate to be brought against the Individual Member through the Service;
 - 2.2.6. complaints that CEDR considers to be frivolous and/or vexatious;

- 2.2.7. where dealing with such a type of complaint would seriously impair the effective operation of CEDR.
- 2.3. If the whole complaint falls outside the scope of the Service, it will be withdrawn from the Service. If part of the complaint falls outside the scope of the Service but part is in scope, only the part that is in scope will proceed (unless it is not practicable to do so).

3. Applying to use the Service

- 3.1. To apply to use the Service, the Complainant must send to CEDR a completed application form displaying the Referral Code, which they have been provided by TPI. If a Complainant requires any special assistance with their application they can contact CEDR and reasonable adjustments will be made in line with CEDR's reasonable adjustments policy, which can be found [here](#).
- 3.2. In the Application, the Complainant must provide the following:
- 3.2.1. a description of the precise issues that form the nature of the complaint about the Individual Member;
 - 3.2.2. a description of the precise conduct by the Individual Member that the Complainant believes to be a breach of the Code;
 - 3.2.3. any supporting documents and/or evidence on which the Complainant wishes to rely.
- 3.3. It is the Parties' responsibility to provide the documents and/or evidence that they wish to rely on. CEDR only has access to information and evidence that has been specifically provided by the Parties in connection with the complaint.
- 3.4. The Complainant is encouraged to clarify the complaint in as much detail as possible.

4. The Adjudication process

4.1. The Application

- 4.1.1. When the Application is received along with any supporting documents, CEDR will make an initial assessment within five working days as to whether or not the Application appears to meet the requirements of Rules 2 and 3 (NB. This initial assessment does not prevent the complaint from being withdrawn from the Service at a later date in line with the objection process (at Rule 4.2) or an adjudicator's powers (at Rule 5.2)).

- 4.1.2. When the Application is processed by CEDR, a case reference number will be allocated to the complaint. The Parties must quote this case reference number in all communication with CEDR regarding the complaint.
- 4.1.3. If the Application is initially assessed as appearing to meet the requirements of Rules 2 and 3, CEDR will notify the Individual Member by sending an electronic copy of the Application, and any supporting documents that the Complainant has provided, to the Individual Member (“the Notification”).
- 4.1.4. If CEDR sends the Notification to the Individual Member before 4.00pm, the Individual Member is considered to have received it on that day. If CEDR sends the Notification at or after 4.00pm, the Individual Member is considered to have received it on the following working day.
- 4.1.5. Once the Notification is considered to have been received by the Individual Member, the Individual Member has 15 working days to take one of the following actions (in exceptional circumstances, CEDR may, at its own discretion, grant the Individual Member an extension to this deadline):
 - 4.1.5.1. object, in line with Rule 4.2, to the complaint being considered by CEDR to fall within the scope of the Service; or
 - 4.1.5.2. submit to CEDR its written response to the Complainant’s complaint (“the Response”) in line with Rule 4.3.
- 4.1.6. Once the Application is submitted to CEDR, an amendment to any aspect of it, or addition of further evidence or submissions, can only be requested by the Complainant if none of the following apply:
 - 4.1.6.1. the complaint has been withdrawn in line with Rule 4.2 because it is out of scope;
 - 4.1.6.2. the Individual Member has submitted the Response to the complaint in line with Rule 4.3.

If the Complainant requests to amend any aspect of the Application or to add further evidence or submissions, they must contact CEDR with the amendments and/or additions and give reasons why they should be taken into account. It will be at the sole discretion of CEDR whether or not to allow this. If it is allowed, the Individual Member will be sent the updated information and the timeframe for the Individual Member to take one of the actions in Rule 4.1.5 will be restarted.

4.2. **Objections**

- 4.2.1. Within the timeframe at Rule 4.1.5, the Individual Member can object to the complaint being considered by CEDR to fall within the scope of the Service. For clarity, the Individual

Member can object if it considers the complaint to fall partly or entirely outside the scope of the Service.

- 4.2.2. In making an objection, the Individual Member must contact CEDR and specify one or more reasons in Rule 2.2 as to why part or all of the complaint falls outside the scope of the Service. The Individual Member must show why part or all of the complaint falls outside the scope of the Service.
- 4.2.3. An adjudicator will consider the objection and decide whether or not they agree that the Individual Member has shown that part or all of the complaint falls outside the scope of the Service. CEDR will aim to communicate this to the Parties within five working days of the objection being received.
- 4.2.4. When an objection is made, the timeframe at Rule 4.1.5 will be put on hold until the outcome of the objection is communicated to the Parties by CEDR.
- 4.2.5. If an adjudicator does not agree that the Individual Member has shown that any part of the complaint falls outside the scope of the Service, the objection will be rejected. If the objection is rejected, the complaint will remain active and an additional two working days will be added to the remaining timeframe in Rule 4.1.5 for the Individual Member to make a further objection or to submit the Response to CEDR. This time extension can only be applied once, and no time extensions will be given to any subsequent rejected objections. If an adjudicator is subsequently appointed to make a decision on the complaint, all details of the objection will be given to that adjudicator.
- 4.2.6. If an adjudicator agrees that the Individual Member has shown that all of the complaint falls outside the scope of the Service, the objection will be upheld. If the objection is upheld, the Complainant will be given 10 working days to provide reasons and/or further evidence as to why part or all of the complaint falls within the scope of the Service, if they wish to do so. An adjudicator will then consider whether or not to reject the objection (NB. the adjudicator may agree to only part of the complaint continuing). CEDR will aim to communicate this to the Parties within five working days. At this point, it is for the Complainant to show why part or all of the complaint falls within the scope of the Service.
- 4.2.7. If an adjudicator agrees that the Individual Member has shown that part of the complaint falls outside the scope of the Service, the objection will be upheld in relation to that part only. If the objection is upheld in relation to that part, the Complainant will be given 10 working days to provide reasons and/or further evidence as to why part or all of the complaint falls within the scope of the Service, if they wish to do so. An adjudicator will then consider whether or not to reject the objection (NB. the adjudicator may agree to only part of the complaint continuing). CEDR will aim to communicate this to the Parties

within five working days. At this point, it is for the Complainant to show why part or all of the complaint falls within the scope of the Service.

- 4.2.8. Following the completion of the relevant process under either Rule 4.2.6 or Rule 4.2.7, if an adjudicator decides that part or all of the complaint falls within the scope of the Service, the objection will be rejected and the timeframe will be restarted for the Individual Member to take one of the actions in Rule 4.1.5. If an adjudicator decides that no part of the complaint falls within the scope of the Service, the complaint will be withdrawn from the Service. The decision to withdraw the complaint from the Service is final and cannot be reviewed or appealed.

4.3. The Response

- 4.3.1. When CEDR receives the Response, a copy of it will be sent to the Complainant.
- 4.3.2. If the Individual Member does not submit the Response to CEDR within the timeframe set out at Rule 4.1.5 (including any relevant variations to this timeframe made in Rule 4.2), the Adjudicator will have the power to make a decision considering only the information provided by the Complainant as set out at Rule 5.2.3.
- 4.3.3. The Complainant has five working days from the date on which the Response is sent to them to provide any comments on the Response (in exceptional circumstances, CEDR may, at its own discretion, grant the Complainant an extension of the deadline for providing comments on the Response). The Complainant does not have to provide comments on the Response. If the Complainant does provide comments on the Response, those comments can only relate to points raised in the Response and must not introduce any new matters. Any new matters put forward by the Complainant at this stage will not be taken into account by the Adjudicator when making their decision.
- 4.3.4. If the Complainant makes any comments on the Response, CEDR will send a copy of those comments to the Individual Member for their information only.
- 4.3.5. Upon receipt of the Complainant's comments on the Response, or the expiry of the timeframe at Rule 4.3.3, CEDR will appoint the Adjudicator to consider the complaint. Any further comments, information and/or evidence received from the Parties after this point will be sent to the Adjudicator. However, the Adjudicator will have the power to decide whether or not to take some or all of the comments, information and/or evidence into account (as set out at Rule 5.2). If the Adjudicator decides to take such further comments, information and/or evidence into account, these will be shared with the other party for their information only.

4.4. The Outcome

- 4.4.1. The Adjudicator appointed under these Rules will produce a written decision on the complaint (“the Decision”) by considering the information received from the Parties, and those regulations, codes of practice and guidance documents that an adjudicator considers to be relevant. The Decision will generally be issued within 20 working days of receipt of the Parties’ submissions and evidence in accordance with the above Rules. In exceptional circumstances this period may be extended.
- 4.4.2. The Decision will include reasons for any recommendations made or reasons why no recommendations have been made.
- 4.4.3. Once CEDR receives the Decision from the Adjudicator, it will be sent to TPI’s Complaints Committee. The Decision will not be sent to the Parties. TPI’s Complaints Committee will consider the Decision and will decide whether or not to action any of the recommendations made (“the Outcome”).
- 4.4.4. TPI’s Complaints Committee will then provide a summary of the Outcome to CEDR, which will be sent to the Parties simultaneously.
- 4.4.5. The implementation of any recommendations made by the Adjudicator in the Decision will be at the sole discretion of TPI’s Complaints Committee.
- 4.4.6. The Outcome cannot be reviewed or appealed. The only exception to this is if the Individual Member has been suspended or expelled by TPI’s Complaints Committee. The Individual Member is then able to formally appeal the Outcome using The Property Institute (TPI) Outcome Appeals Independent Adjudication Service should they be able to evidence they have a valid ground of appeal.
- 4.4.7. CEDR is unable to enforce compliance with the Outcome. CEDR is also unable to apply further sanctions to the Company Member for failing to comply with the Outcome. TPI’s Complaints Committee retains sole discretion to determine whether or not the Outcome has been complied with by the Company Member.

5. Powers of an adjudicator

- 5.1. Adjudicators will be fair and unbiased throughout the Adjudication process and will make decisions that are based on the information received from the Parties, and those regulations, codes of practice and guidance documents that an adjudicator considers to be relevant. Adjudicators will act as quickly and efficiently as possible, considering complaints in a fair and reasonable way.

5.2. An adjudicator has the power to do any of the following:

- 5.2.1. change any of the time limits set out in these Rules;
 - 5.2.2. request further comments and/or evidence from the Parties, and set time limits within which the Parties must provide such comments and/or evidence;
 - 5.2.3. proceed with the Adjudication process if either of the Parties does not keep to these Rules, or any instruction or direction made under these Rules;
 - 5.2.4. consult any evidence not provided by either of the Parties, which the adjudicator considers to be necessary to make a decision. If this power is used, the Parties must be given an opportunity to provide comments on this evidence (NB. This power does not apply to evidence that the Parties ought reasonably to be aware of or have access to; the law, any legal or regulatory requirements; and any other published industry guidance);
 - 5.2.5. take into account any evidence provided by either of the Parties that the adjudicator considers to be relevant to matters already raised in the complaint. If this power is used, the party that did not provide the evidence must be given an opportunity to comment on it;
 - 5.2.6. withdraw a complaint from the Service if, in their opinion, the entirety of the complaint falls outside the scope of the Service (this decision cannot be reviewed or appealed).
- 5.3. Neither of the Parties can challenge an adjudicator's use or non-use of the powers set out at Rule 5.2.
- 5.4. If the Adjudicator finds that the Individual Member has breached the Code, they can recommend one or more of the following:
- 5.4.1. that the Individual Member provides the Complainant with a letter of apology;
 - 5.4.2. that the Individual Member undertakes further training;
 - 5.4.3. that the Individual Member is suspended from TPI for a specified period of time;
 - 5.4.4. that the Individual Member is expelled from TPI.
- 5.5. If the Adjudicator finds that the Individual Member has not breached the Code, they will not make any recommendation.

6. Costs

6.1. The use of the Service is free of charge to the Parties.

- 6.2. Neither of the Parties needs to use legal representation, although either can do so if they wish.
- 6.3. If either of the Parties incurs costs through the use of legal representation and/or using the Service, the Parties are responsible for their own costs and agree not to claim the costs of doing so from each other through legal action.

7. Confidentiality and data sharing

- 7.1. Neither of the Parties will give details of the Adjudication or the Outcome to any person or organisation not directly involved in the Adjudication, unless:
- 7.1.1. it is necessary in order to seek advice on pursuing the complaint in an alternative forum;
 - 7.1.2. it is necessary in order to seek redress from an alternative forum; or
 - 7.1.3. CEDR gives its express written consent for such details to be shared.
- 7.2. By using the Service, the Parties agree that CEDR may gather, retain and publish statistics and other information in relation to complaints, whilst preserving the anonymity of the Parties.
- 7.3. The United Kingdom General Data Protection Regulation (UK GDPR) applies to the Service, and all data provided to CEDR in relation to complaints may be shared with TPI, by CEDR, including all personal data.
- 7.4. By using the Service, the Complainant gives their consent for any relevant personal data held by the Individual Member to be shared with CEDR, TPI, TPI's Complaints Committee and the Adjudicator for the purposes of the Adjudication process.

8. Other rules

- 8.1. CEDR will appoint a substitute adjudicator if the Adjudicator originally appointed is unable to deal with the complaint for any reason. CEDR will inform the Parties if such an appointment is made.
- 8.2. With the exception of a formal appeal made through The Property Institute (TPI) Outcome Appeals Independent Adjudication Service, CEDR nor an adjudicator will enter into correspondence with the Parties relating to any decision or Outcome.

- 8.3. If either of the Parties has a complaint about the quality of service provided by CEDR, the complaint should be made through the published complaints procedure, copies of which are available on the CEDR website (NB. the complaints procedure cannot be used to challenge the content or outcome of an adjudicator's decision, the Outcome, the decision process adopted by an adjudicator, or the content of these Rules).
- 8.4. If either of the Parties sends physical documents and/or evidence to CEDR, digital copies will be made and the physical documents and/or evidence will be immediately and securely destroyed, unless the party requests their return (this request must be made at the same time as the physical documents and/or evidence are sent to CEDR). CEDR does not keep any physical documents and/or evidence on its premises.
- 8.5. Any reference in these Rules to 'working days' excludes Saturdays, Sundays and public holidays (i.e. bank holidays) celebrated in England and Wales. Any reference in these Rules to a specified time of day refers to United Kingdom local time.
- 8.6. The Service, including these Rules, may be updated from time to time. The Rules in force on the date CEDR receives the Complainant's Application will apply to the complaint.

