



The Property Institute (TPI) Outcome Appeals

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/appeals/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) Outcome Appeals Independent Adjudication Service (“the Service”) is administered by Centre for Effective Dispute Resolution (“CEDR”). The Service provides an informal and independent way of considering appeals raised in relation to a disciplinary decision to suspend or expel a TPI Associate Firm, a TPI Company Member or a TPI Individual Member from TPI (“the Outcome”) – this Outcome having been issued by either TPI’s Company Member Complaints Committee or TPI’s Individual Member Complaints Committee (“TPI’s Complaints Committee”) as part of a complaint brought via CEDR’s other TPI adjudication services (“the Case”). 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, a TPI Associate Firm or a TPI Company Member or a TPI Individual Member (“the Member”) must send a completed application form (“the Application”) to CEDR setting out the reasons for appeal within 28 calendar days of receiving the Outcome. The Service is free of charge to the Member.
- 1.3. An adjudicator appointed under these Rules will make a decision by considering the information received from the Member, the Case and the Outcome, as well as those regulations, codes of practice and guidance documents that an adjudicator considers to be relevant. This decision will be either:
 - 1.3.1. to recommend that TPI’s Appeals Committee hear the appeal, as the valid ground of appeal has been raised; or
 - 1.3.2. to recommend that TPI’s Appeals Committee do not hear the appeal, as no valid ground of appeal has been raised.
- 1.4. The only permissible ground of appeal shall be that there is new and material evidence that was not reasonably available at the time TPI’s Complaints Committee considered the Case and issued the Outcome. This new evidence will only be considered if all of the following conditions are met:
 - 1.4.1. there is a reasonable explanation for the failure to adduce the evidence now put forward by the Member during the course of the Case prior to the Outcome being issued; and
 - 1.4.2. there is more than a negligible chance that this new evidence will have a material impact upon whether or not the Member should be subject to the sanctions of suspension or expulsion; and

- 1.4.3. the evidence would have been admissible as evidence for consideration during the course of the Case.
- 1.5. A Member can only use the Service if they have had an Outcome issued against them where TPI's Complaints Committee directed either suspension or expulsion from TPI.
- 1.6. Applications to the Service will be accepted from Members or their appointed representatives. A representative can only be appointed if:
 - 1.6.1. the Member provides, with their application to the Service, signed authority confirming that they agree to the representative acting on their behalf; or
 - 1.6.2. the representative provides, with the application to the Service, a valid legal document giving them authority to act on the Member's behalf (e.g. a valid will or lasting power of attorney).
- 1.7. Any decision of the Adjudicator is non-binding. TPI's Appeals Committee shall have the sole discretion whether or not to action the recommendation made by the Adjudicator.
- 1.8. 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 appeals where a Member alleges that the valid ground of appeal, as set out in Rule 1.4, applies to the Outcome.
- 2.2. The Service cannot be used to consider appeals that fall into one or more of the following categories:
 - 2.2.1. applications that contain no aspect covered by the Service as set out at Rule 2.1;
 - 2.2.2. where the Application has been submitted more than 28 calendar days after the Outcome was received by the Member;
 - 2.2.3. where the Application concerns an Outcome where the Member was not either suspended or expelled from TPI;
 - 2.2.4. applications that are considered by CEDR to be frivolous and/or vexatious;
 - 2.2.5. where dealing with such an Application would seriously impair the effective operation of CEDR.

2.3. If the whole appeal falls outside the scope of the Service, it will be withdrawn from the Service. If part of the appeal 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 Member must send to CEDR a completed application form. If a Member 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 Member must provide the following:

- 3.2.1. a description of the new evidence and an explanation as to why the Member believes it is material to the Outcome; and
- 3.2.2. an explanation as to why the evidence was not provided at the time of the Case; and
- 3.2.3. the new and material evidence on which the Member is relying.

3.3. It is the Member's responsibility to provide the documents and/or evidence that they wish to rely on.

3.4. The Member is encouraged to clarify the appeal 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 appeal from being withdrawn from the Service at a later date in line with 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 appeal. The Member must quote this case reference number in all communication with CEDR regarding the appeal.
- 4.1.3. If the Application is initially assessed as appearing to meet the requirements of Rules 2 and 3, CEDR will notify TPI that an appeal committee will need to be convened (i.e. the TPI Appeal Committee), constituted of at least two committee members who were not involved in the Case and/or Outcome to which the appeal relates.

- 4.1.4. CEDR will then appoint the Adjudicator to consider the appeal. CEDR will send an electronic copy of the Application, and any supporting documents that the Member has provided, to the Adjudicator.
- 4.1.5. Any further comments, information and/or evidence received from the Member 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).

4.2. The Appeal Decision

- 4.2.1. The Adjudicator appointed under these Rules will produce a written decision on the appeal ("the Appeal Decision") by considering the information received from the Member, the Case and the Outcome, as well as those regulations, codes of practice and guidance documents that an adjudicator considers to be relevant. The Appeal Decision will include reasons for the recommendation made.
- 4.2.2. The Appeal Decision will generally be issued within 20 working days of receipt of the Application and evidence. In exceptional circumstances this period may be extended.
- 4.2.3. Once CEDR receives the Appeal Decision from the Adjudicator, it will be sent to TPI's Appeals Committee. The Appeal Decision will not be sent to the Member.

4.3. The Appeal Outcome

- 4.3.1. TPI's Appeals Committee will consider the Appeal Decision and will decide whether or not to action the recommendation made ("the Appeal Outcome"):
 - 4.3.1.1. If the Appeal Decision recommended that the appeal is not heard, and TPI's Appeals Committee agree, it will not consider the appeal.
 - 4.3.1.2. If the Appeal Decision recommended that the appeal is not heard, and TPI's Appeals Committee disagree, it will consider the appeal.
 - 4.3.1.3. If the Appeal Decision recommendation that the appeal is heard, and TPI's Appeals Committee agree, it will consider the appeal.
 - 4.3.1.4. If the Appeal Decision recommended that the appeal is heard, and TPI's Appeals Committee disagree, it will not consider the appeal.

The implementation of any recommendation made by the Adjudicator in the Appeal Decision will be at the sole discretion of TPI's Appeals Committee.

- 4.3.2. If TPI's Appeals Committee considers the appeal, it will reach one of the following conclusions:

- 4.3.2.1. The appeal is rejected, and the decision to expel or suspend the Member as set out in the Outcome remains unchanged; or
 - 4.3.2.2. The appeal is accepted, and the decision to expel or suspend the Member as set out in the Outcome is varied; or
 - 4.3.2.3. The appeal is accepted, and the decision to expel or suspend the Member as set out in the Outcome is overturned.
- 4.3.3. TPI's Appeals Committee will then provide a summary of the Appeal Outcome to CEDR, which will be sent to the Member.
- 4.3.4. The Appeal Outcome cannot be reviewed or appealed under any circumstances.
- 4.3.5. If the Appeal Outcome requires the Member to take action, this must be complied with by the Member within any relevant timeframes set out by TPI's Appeals Committee.

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, the Case and the Outcome, as well as 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 Member, and set time limits within which the Member must provide such comments and/or evidence;
 - 5.2.3. proceed with the Adjudication process if the Member does not keep to these Rules, or any instruction or direction made under these Rules;
 - 5.2.4. consult any evidence not provided by the Member, which the adjudicator considers to be necessary to make a decision. If this power is used, the Member must be given an opportunity to provide comments on this evidence (NB. This power does not apply to evidence that the Member 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. withdraw an appeal from the Service if, in their opinion, the entirety of the appeal falls outside the scope of the Service (this decision cannot be reviewed or appealed).
- 5.3. The Member cannot 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 valid ground of appeal has been raised, they will recommend that TPI's Appeals Committee hear the appeal.
- 5.5. If the Adjudicator finds that the valid ground of appeal has not been raised, they will recommend that TPI's Appeals Committee do not hear the appeal.

6. Costs

- 6.1. The use of the Service is free of charge to the Member.
- 6.2. The Member does not need to use legal representation, although they can do so if they wish.
- 6.3. If the Member incurs costs through the use of legal representation and/or using the Service, the Member must pay their own costs.

7. Confidentiality and data sharing

- 7.1. The Member will not give details of the Adjudication or the Appeal Outcome to any person or organisation not directly involved in the Adjudication.
- 7.2. By using the Service, the Member agrees that CEDR may gather, retain and publish statistics and other information in relation to complaints, whilst preserving the anonymity of the Member.
- 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 Member gives their consent for any relevant personal data held by CEDR to be shared with the Adjudicator, TPI and TPI's Appeals Committee 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 appeal for any reason. CEDR will inform the Member if such an appointment is made.
- 8.2. Neither CEDR nor an adjudicator will enter into correspondence with the Member relating to any decision or Appeal Outcome.

- 8.3. If the Member 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 Appeal Outcome, the decision process adopted by an adjudicator, or the content of these Rules).
- 8.4. If the Member 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 Member 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 Member's Application will apply to the complaint.

