

The Property Institute (TPI) Outcome Appeals

Independent Adjudication Service

Summary of Service Rules

This Summary has been created to provide a quick reference guide for users of the Service. It summarises the key rules in respect of the process and the scope of the Service, giving a simple overview of the core principles.

However, whilst this Summary is based upon the Service Rules, it is intended to act as guidance only. It is the Service Rules that apply to cases. In the event of a conflict of information between the Service Rules and this Summary, the Service Rules will prevail.

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1. Introduction

- The Service provides an independent way of considering appeals raised in relation to a disciplinary decision by the TPI Committee to suspend or expel a TPI Associate Firm, a TPI Company Member or a TPI Individual Member (“the Member”). This is done by way of an adjudication process.
- The Service is free of charge to the Member. A Member can only use the Service if:

- they have had an Outcome issued against them where the TPI Committee directed either suspension or expulsion from TPI; and,
 - they have raised their appeal within 28 calendar days of receiving the Outcome.
- An Adjudicator will consider the appeal and their decision will be to either recommend that the appeal is heard by the TPI Appeal Committee or to recommend that the appeal is not heard by the TPI Appeal Committee. It will be the TPI Appeal Committee that will have sole discretion whether or not to hear the appeal.
 - The only permissible ground of appeal is that there is new and material evidence that wasn't available at the time the Case was originally heard and when the Outcome (to suspend or expel the Member) was issued. The new evidence will only be considered:
 - where there is a reasonable explanation why this evidence wasn't provided at the time of the Case, before the Outcome was issued; and
 - where there is more than a negligible chance that this new evidence will have a material impact on whether or not the Member should be suspended or expelled; and
 - the evidence would have been admissible during the course of the Case.

2. What the Service covers

- The Service can be used to consider appeals where a Member alleges that the valid ground of appeal applies to the Outcome.
- The Service cannot consider appeals that fall into one or more of the following categories:
 - applications that are about something the Service does not cover;
 - where the appeal has been submitted more than 28 calendar days after the Outcome was issued;
 - where the appeal concerns an Outcome where the Member was not either suspended or expelled from TPI;
 - appeals that are frivolous and/or vexatious;
 - appeals that would seriously impair the effective operation of CEDR.

3. Applying to use the Service

- The Member must send CEDR a completed application form.
- In their application, the Member must provide the following:
 - a description of the new evidence that the Member believes is material to the Outcome;
 - an explanation as to why the evidence was not provided at the time of the Case;

- the new and material evidence on which the Member is relying.

4. The Adjudication process

➤ The Application

- CEDR will make an initial assessment within five working days as to whether or not an application meets the requirements of the Service.
- Once accepted, CEDR will ask TPI to form an appeal committee (the TPI Appeal Committee) and, at the same, CEDR will appoint an Adjudicator to consider the appeal.

➤ The Appeal Decision

- The Adjudicator will consider the information received from the Member, the Case and the Outcome, as well as those regulations, codes of practice and guidance documents that an adjudication considers to be relevant. They will produce an “Appeal Decision” that sets out the reasons for the recommendation made.
- The Appeal Decision will generally be issued within 20 working days of receipt of the appeal.
- The Appeal Decision will be sent to the TPI Appeal Committee. The Appeal Decision will not be sent to the Member.

➤ The Appeal Outcome

- The TPI Appeal Committee will consider the Appeal Decision and will decide whether or not to action the recommendation made (“the Appeal Outcome”):
 - If the Appeal Decision recommended that the appeal is not heard, and the TPI Appeal Committee agree, it will not consider the appeal.
 - If the Appeal Decision recommended that the appeal is not heard, and the TPI Appeal Committee disagree, it will consider the appeal.
 - If the Appeal Decision recommendation that the appeal is heard, and the TPI Appeal Committee agree, it will consider the appeal.
 - If the Appeal Decision recommended that the appeal is heard, and the TPI Appeal Committee disagree, it will not consider the appeal.
- If the TPI Appeal Committee considers the appeal, it will reach one of the following conclusions:
 - The appeal is rejected, and the decision to expel or suspend the Member as set out in the Outcome remains unchanged; or
 - The appeal is accepted, and the decision to expel or suspend the Member as set out in the Outcome is varied; or

- The appeal is accepted, and the decision to expel or suspend the Member as set out in the Outcome is overturned.
- The TPI Committee will then provide a summary of the Appeal Outcome to CEDR, which will be sent to the Member.
- The Appeal Outcome cannot be reviewed or appealed under any circumstances.
- If the Appeal Outcome requires that disciplinary action is taken against the Member, this must be complied with by the Member within any relevant timeframes set out by the TPI Appeal Committee.

5. Powers of the adjudicator

- An adjudicator has the power to do any of the following:
 - change any of the process time limits;
 - request further comments and/or evidence from the Member;
 - proceed with the Adjudication even if the Member does not keep to the rules;
 - consult any relevant evidence not provided by the Member;
 - withdraw an appeal if the entirety of the appeal falls outside the scope of the Service.
- If the Adjudicator finds that the valid ground of appeal has been raised, they will recommend that the TPI Appeal Committee hear the appeal.
- If the Adjudicator finds that the valid ground of appeal has not been raised, they will recommend that the TPI Appeal Committee do not hear the appeal.