



The Property Redress Scheme (PRS)

The PRS is authorised by the **Department for Levelling Up, Housing and Communities (DLUHC)** and the **National Trading Standards Estate and Letting Agent Team (NTSELAT)** to provide redress for estate, lettings and property management agents

What is the PRS?

The PRS is here to:

- ✓ offer membership of a government authorised consumer redress scheme
- ✓ settle or resolve complaints made by consumers
- ✗ we are not a regulator
- ✗ we have no authority to take regulatory or legal action against an agent or impose fines

Did you know?

- All property agents and professionals who carry out estate lettings and property management work must, by law, belong to a government authorised consumer redress scheme
- Our service is also available to other types of property professionals on a voluntary basis
- Using an open and transparent resolution service increases business reputation and customer confidence

What complaints can we investigate?

We can investigate complaints about a member doing or not doing things which have:

- not fulfilled their legal or contractual responsibilities to a complainant
- affected or breached their rights
- caused them a loss by not acting in line with any code of practice they have signed up to
- treated them unfairly

When we look at complaints, the test we apply is:

“Did the member provide the service reasonably expected by an average consumer?”

Examples of unfair treatment include:

- poor or incompetent service
- rudeness or discourtesy
- a lack of clear explanation
- not completing a transaction efficiently or as reasonably expected
- avoidable delays in delivering agreed or expected service(s)

Our approach to claims over £25,000

High value claims can be complex and our Conditions of complaints explain what we can and cannot investigate.

We have no authority to award more than £25,000. We may be able to award up to this amount for one or multiple strands of a complaint.

You have the choice of using the PRS or you can use the court process. A court can award more than £25,000 – although the process will be longer and there may be costs involved.

Top tips

- The PRS deals with complaints as an alternative to the court process.
- It is quicker and free to consumers. The early stages of our process are also free to members.

What awards can we give?

The awards we make can be:

Financial (up to £25,000)

- repayment of actual loss and/or costs incurred
- a payment, where appropriate, for distress and inconvenience

Non-financial

- a sincere and meaningful apology
- doing something such as providing an explanation or missing documents
- practical action to minimise any loss
- other appropriate action suggested by the complainant or decided by us



Before complaining to the PRS

1

The complainant must be a consumer of, or directly affected by, the actions of one of our members

2

The complainant must send their detailed concerns, in writing, to the member

3

The complainant must allow the member up to 8 weeks to:

- investigate
- complete their complaints process, and
- respond in writing

4

The complainant can complain to the PRS if they

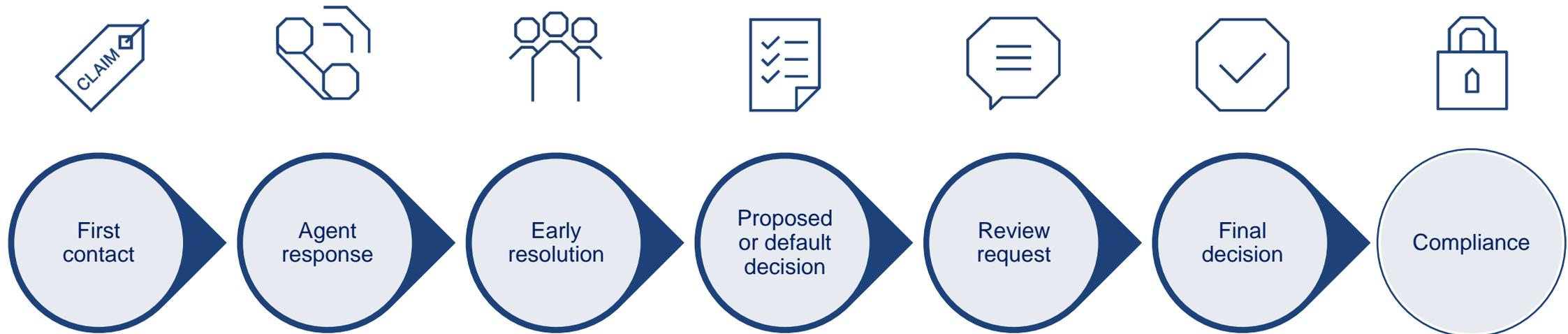
- are unhappy with the response received within 8 weeks, or
- have no response after 8 weeks

5

The complaint to the PRS must be raised within 12 months of the complainant's final communication with the member about their concerns



Our complaints process



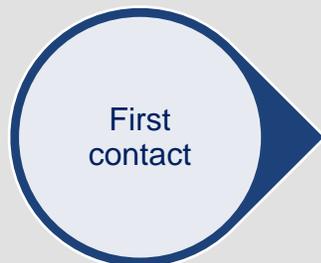
First contact



This is where we speak to you to find out more about the complaint

Within **5 working days** your case assessor will contact both parties and ask for any other evidence they need

In the next **10 working days** they will decide whether we can continue to investigate the complaint



Top tips

- Make sure you keep your contact details up to date on your membership record
- If anything changes email us the details
- Even if you think a complaint is unjustified, it's important to speak to us
- The sooner we understand the details, the easier it can be to resolve

Agent response



During our investigation, we will ask for your evidence

The case assessor will explain what you need to do and when you need to do it



At any stage during our process, you can resolve the complaint directly with the complainant

Whatever happens – make sure you keep us updated

Top tips

- Send us your response and evidence if the complaint is not resolved – even if you think you are right and the complainant wrong
- If we don't hear from you we will make a default decision and you will have to pay a complaint fee

Early resolution



Early resolution is not just about 'rights and wrongs' – the aim is to reach a solution that allows both parties to move on

Once we have all the evidence, the case assessor has up to **15 working days** to:

- review the evidence
- contact the parties to discuss the complaint and possible ways to propose an early resolution

Top tips

- If this is agreed, it becomes our final decision
- If agreement is not possible the complaint may pass to a case officer for a formal decision

Proposed or default decision



Within **10 working days** of the case being allocated to a case officer, a default or a proposed decision will be sent to both parties

Decisions are made based on:

- the evidence provided
- the contract terms, law, and any relevant code of practice
- what is fair and reasonable

The parties have **10 working days** to accept or, decline it and request a review in certain circumstances

Top tips

- Both parties can request a review on a proposed decision
- For default decisions, only the complainant has this option

Review request



A review can only be requested if there has been:

- an error in fact
- an error in law or
- an administrative error

If we accept a review request, the other party will have **5 working days** to provide their comments

Top tips

- We will not consider a review request where either party just disagrees with the decision made
- If we decline a review request, the proposed or default decision is final

Compliance



You will have **10 working days** to comply with the decision, at whichever stage it is made

Non-compliance can trigger our disciplinary process

The complainant may also take you to court for non-compliance

Top tips

- Complying early will help to maintain any ongoing relationship
- It will also prevent any additional charges being applied

Our disciplinary process

1

If the member does not comply within 10 working days, a £100 penalty fee is payable

2

Membership will be suspended until the decision is complied with and the penalty fee paid

3

If after another 10 working days the member has still not complied, they will be expelled

4

When a member is expelled, we notify National Trading Standards and the Property Ombudsman

We may also issue a press release



- A lettings or property management agent in England who does not join a redress scheme can be fined up to £5,000 by trading standards
- For an estate agent the fine is up to £1,000

The Property Redress Scheme

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