

# The Role of the Disciplinary and Standards Committee

## **Guidance for TPO Member Agents (sales and lettings) and for sales agents registered under the OFT Approved Estate Agents Redress Scheme (CEARA)**

1. The Property Ombudsman (TPO) Council has established its Disciplinary and Standards Committee (DSC) to assist and advise the Council in dealing with disciplinary issues. The DSC has power to put in place a range of sanctions. In the most serious cases it has power to expel a Member from the voluntary TPO scheme and to remove registration under CEARA.
2. The DSC will consider all cases referred to it by the Ombudsman or otherwise brought to its attention. Voluntary TPO Members offering Sales are required to follow the relevant TPO Code of Practice as well as meeting the requirements of CEARA. Those only registered under CEARA have fewer demands made of them.
3. The effect of this is that a TPO Member who has breached the voluntary Code may sometimes be expelled or suspended from the voluntary scheme thereby losing the right to display the full TPO logo, while retaining registration under CEARA for sales. Where, however, the disciplinary offence is such as to call into question CEARA registration, the DSC will also consider whether to take action against the Member Agent under CEARA, with expulsion from CEARA registration as a last resort.
4. Where an Agent who is a Member of the Voluntary scheme for more than one aspect of their work (commonly for both sales and lettings) faces expulsion from the scheme in respect one aspect (e.g. sales or lettings) of their work, they will usually also be expelled from the voluntary scheme in respect of any other aspect.
5. The decision to expel a TPO Member Agent from the voluntary TPO scheme will be taken by the Council in accordance with the recommendation of the DSC, and will be executed by the Board.
6. In certain circumstances a recommendation to expel a sales agent may not be implemented until any connected OFT investigation is complete.
7. If a sales agent who has been expelled from CEARA registration continues to conduct estate agency business (sales) without being a member of a redress scheme approved under CEARA they will be in breach of a statutory requirement. In that situation the OFT has power, under an amendment to Section 3 of the Estate Agents Act 1979, to make an order prohibiting them from working as an estate agent.