

# Voluntary Scheme Disciplinary and Standards Committee (VDSC)

## **THE PROPERTY OMBUDSMAN**

### **OFT Approved Estate Agents Redress Scheme**

- 1 The VDSC will consider all matters referred to it, seeking such additional information as it needs to formulate a view of the case, including seeking representations (written and oral) from the member agent on its proposed recommendation. If the VDSC decides to take disciplinary action against the member agent, the member agent has the right to appeal against that recommendation and make further written and/or oral representations to a group of independent members of the TPO Council (Council) that are not also members of the VDSC.
- 2 The VDSC will consider instances involving the member agent concerning:
  - non-compliance with the Code of Practice for Residential Estate Agents (COP) and/or with the Code of Practice for Lettings Agents. Both Codes state that: “Cases of non-compliance will be dealt with by the Council. The Council will consider cases of non-compliance where the monitoring process shows any single flagrant breach and/or any persistent breaches of the Code”. Under his Terms of reference “The Ombudsman is to report to the Council when there appears to him to have been any single flagrant breach and/or any persistent breaches of the Code of Practice by any Member”;
  - instances where voluntary scheme member agents have failed to meet their obligations under the Consumers, Estate Agents and Redress Act 2007 (CEARA), although it is most unlikely that a voluntary scheme member who failed in this way would not also fail to meet their voluntary obligations.
- 3 In addition the VDSC will assist and advise the full Council by considering:
  - reports from the Board concerning voluntary scheme member agents failing to meet the requirements of the Compliance and Satisfaction Monitoring process;
  - other instances of non-compliance, where third parties, competitors or consumers not making a formal complaint have raised issues concerning member agents;
  - how the Council should respond to the actions of third parties (regulators and professional organisations to which the member agent also belongs) that bring into question continuing membership of the voluntary scheme.