



## The Property Ombudsman Valuers and Auctioneers

### General Membership Obligations

In assessing cases and the actions of valuers and auctioneers, the Ombudsman will have regard to what is generally accepted as good practice in the industry as defined by the Rules of Conduct of the National Association of Valuers and Auctioneers (NAVA). In addition TPO member firms are required to submit to the following Obligations.

#### General Provisions

- You must ensure that all staff are fully conversant with all aspects of the Rules of Conduct and their legal responsibilities. Such staff must observe the Rules and their legal responsibilities in all their dealings with consumers. Staff must have a good working knowledge of all relevant legislation relating to auction sales and any secondary legislation, the law of agency and the law of contract.
- You must always act within the law in the conduct of your business.
- You are expected to provide a service consistent with fairness, integrity and best practice; and you should not seek business by methods that are oppressive or involve dishonesty, deceit, misrepresentation or harassment. In particular you must not engage in any banned practice, misleading practice or misleading omission as defined in the Consumer Protection from Unfair Trading Regulations 2008.
- You must ensure that clients are provided with your terms of business which must be fair and clear, and incorporate details of your complaints handling procedure, and of your membership of the Ombudsman scheme. You must ensure that you make it clear to all parties for whom you are acting, and the scope of their obligations to each party.
- You must offer equality of professional service to any person, regardless of their race, religious belief, gender, sexuality, disability or nationality. You must not be involved in any plan or arrangement to discriminate against a person or people because of their race, religious belief, gender, sexuality, disability or nationality.
- You must avoid conflicts of interest and, where they do arise, deal with them openly and fairly.
- You should not take advantage of consumers because of their age, infirmity, lack of knowledge, lack of understanding of English or bereavement; nor should you follow any course of action that can be construed as harassment.
- You must not release or misuse confidential information given by your client during your relationship without your client's permission, unless legally required to do so.
- You must keep clear and full written records and produce them when required to by the Ombudsman.
- You must ensure that all advertising and marketing material is honest, decent and truthful.

- You must ensure that any client money is held separately from other monies, and is covered by adequate insurance.
- You must have appropriate professional indemnity insurance, to ensure your customers do not suffer loss as a result of any negligent act.
- You must use/display such material promoting your membership of an Ombudsman scheme and NAVA. You must display the Ombudsman logo on the window of any offices to which the public have access, on any marketing literature and on your letterheads.

### **In-house Complaints Handling**

- You must, where practical, provide consumers with a named point of contact who will assist in dealing with queries that may arise in connection with any aspect of your service and Terms of Business.
- You must maintain and operate an in-house complaints procedure. Such procedures must be in writing, and readily available for inspection by the Ombudsman.
- All complaints, oral and written, should be noted in writing.
- You must agree to deal with any properly appointed representative of a complainant.
- All written complaints must be acknowledged within 3 working days and a proper branch investigation promptly undertaken. A formal written outcome of the branch investigation must be sent to the complainant within 15 days. If longer is needed, the Complainant should be told in writing, with an explanation, and given an indication of timescale. The outcome of the investigation must be sent to the Complainant within such timescale.
- If the complainant remains dissatisfied, he must be told how he can further pursue his complaint within your company. This should provide the opportunity for a speedy, separate and detached review of the complaint by staff not directly involved in the transaction. In the case of a single-office Agent, a member of staff not directly involved in the transaction should deal with the complaint.
- Following the conclusion of your In-House Review, a written statement expressing your final viewpoint, and including any offer made must be sent to the complainant. This letter must also tell the Complainant how the matter can be referred to the Ombudsman, pointing out that any such referral by the Complainant must be made within six months of your final viewpoint.

### **Referrals to the Ombudsman**

- You must co-operate with any investigations by the Ombudsman pursuant to, and in accordance with, his Terms of Reference.
- You must:
  - comply with any award which, in accordance with his Terms of Reference, is made by the Ombudsman against you and accepted by the complainant and which is binding upon you under the Terms of Reference; and
  - pay the complainant the amount of any such award within the period for payment required by the Ombudsman's Terms of Reference.