AN INTRODUCTION TO THE PRS

Sean Hooker
Head of Redress
WHO ARE WE?
WHAT IS THE LAW?

- 2013 Enterprise and Regulatory Reform act it is now compulsory for all Letting Agents and Property Managers
- Lettings now on par with Sales
- Three authorised schemes
WHO DOES THE LAW APPLY TO?

“lettings agency work” means things done by any person in the course of a business in response to instructions received from—
WHO DOES THE LAW APPLY TO?

- Either:
  - A person seeking to find another person wishing to rent a dwelling-house in England under a domestic tenancy and, having found such a person, to grant such a tenancy (“a prospective landlord”)
WHO DOES THE LAW APPLY TO?

- Or:
  - A person seeking to find a dwelling-house in England to rent under a domestic tenancy and, having found such a dwelling-house, to obtain such a tenancy of it ("a prospective tenant").

- Or both
WHAT SHOULD YOU DO?

1. Register as a member
   - Entry
   - Enhanced

2. Complete joining form
   - No preconditions
   - No compulsory insurances
   - No code or qualifications required

3. Pay appropriate joining fee
WHAT HAPPENS NEXT?

- Verification and conformation of membership

- Membership Pack
  - Certificate of Membership and Member Number
  - Terms of Reference
  - Window sticker for each branch

- Listed on our website
WHAT ARE THE BENEFITS OF OUR SCHEME?

- Improved practices
- Improved reputations
- Safer Letting industry
- Fewer “rogue” agents
COMPREHENSIVE SANCTIONS

- Failure to join a scheme and comply with the law
  - Heavy fines; and/or
  - Closure
COMPREHENSIVE SANCTIONS

- Breaches of law and poor delivery of standards
  - Referral to ombudsman to make binding decisions
  - Awards of up £25,000
COMPREHENSIVE SANCTIONS

- Failure to comply with our Terms of Reference with an award
  - Fines
  - Expulsion from scheme
  - Share information with other schemes
  - ‘Name and Shame’ of incompetent/offending agents and landlords
COMPLAINTS HAPPEN!

- Nobody likes complaints - awkward for all parties!

- Complaints can lead to stronger relations, trust and improved services

- You take complaints seriously
WHO CAN COMPLAIN?

- Any customer
  - Including prospective landlords
- Property Management Services
  - Landlords and tenants cannot use to complain about each other
- Block management
  - Lease holders, tenants and sometimes free holder
- Sales
  - Buyers and sellers
WHAT COMPLAINTS CAN WE DEAL WITH?

- A breach of the Member’s obligations under the law;
- Where legal rights have been impinged or breached;
- Where a Member has not acted in accordance with a Code of Practice it has signed up to, or any internal rules, procedures or statements of practice;
- Unfair treatment of the complainant by the Member; including, but not limited to:
  i. rudeness or discourtesy
  ii. not explaining matters
  iii. poor or incompetent service
  iv. avoidable delays.
- Where a Member has not administered a transaction as efficiently as would be expected.
- We will not deal with tenancy deposit disputes.
THREE STEPS TO RESOLUTION

Step One:

- Private resolution?
- Inform customer of your complaint process and fair estimated response times
- Inform customer they can refer to the PRS if they are not satisfied
- If customer immediately refers to us, we will give you 10 working days to provide your final response, with our assistance if necessary
- If you believe the complaint is resolved we will seek confirmation

- We will never charge for this stage
THREE STEPS TO RESOLUTION

- **Step Two:**
  - If the customer remains dissatisfied, we will try and facilitate an agreement
  - Telephone mediation to attempt to bring both sides to agreement
  - If this succeeds, there may be a reduced charge for our service.
    - We issue a written confirmation of resolution which can be used as evidential proof of agreement once signed by both parties
THREE STEPS TO RESOLUTION

Step Three:

- Formal adjudication by Ombudsman (Head of Redress)

- Both parties are given an opportunity to provide supporting evidence

- The Head of Redress will make a formal decision and issue in writing

- If complainant confirm they accept the decision it is made binding

- If complainant does not accept they must seek further resolution through the courts

- Only at this stage do we require a full complaints charge
WE ARE HERE TO HELP!

- Simple and affordable solution
- Business development
- Online resources and training
Voluntary redress for property professionals in Scotland, Wales and Northern Ireland
Voluntary redress for suppliers and services in the letting industry such as:
- inventory clerks;
- cleaners; and
- maintenance operatives.

Our Partnerships
QUESTIONS