

The Independent Property Codes Adjudication Scheme

Rules (2007 Edition)

Guidance notes

Introduction

Welcome to the Independent Property Codes Adjudication Scheme (IPCAS). IPCAS is run independently by us, IDRS Ltd, a wholly owned subsidiary of the Chartered Institute of Arbitrators. When your dispute goes through IPCAS, a person called an adjudicator makes a decision on it. If you accept that decision, it is binding on the company you are in dispute with. You can reject the decision and take your dispute to court.

The following guide answers common questions about IPCAS, explains the procedure and sets out exactly what you will have to do if you decide to have your dispute settled under IPCAS. If you have any questions once you have finished reading these notes, please contact us at:

IDRS Ltd

24 Angel Gate

City Road

London EC1V 2PT

Phone: 020 7520 3810

Fax: 020 7520 3829

E-mail: info@idrs.ltd.uk

Companies registered with the scheme

A full list of member companies is available online at the PCCB and AHIPP websites at the links below

http://propertycodes.org.uk/register_of_firms/index.shtml

<http://www.hipassociation.co.uk/members.aspx>.

Some questions and answers

I have had a problem with a company registered with IPCAS - what should I do?

If you have not done so already, tell the company that you have a problem and that you would like them to investigate it. Please contact us if you have not been able to settle a complaint with the company within three months of putting it through their own complaints procedure or if the company has accepted, in writing, that the dispute should be settled under IPCAS.

I am a business customer of a company – can I still use IPCAS?

No, IPCAS is only available for consumer redress. If you have a business dispute you can contact us for further options.

What can the adjudicator make the company do?

If the adjudicator agrees with your complaint, he or she can tell the company to do any or all of the following.

- Give you an apology or explanation.
- Give you a product or service, or take some practical action that will be to your benefit.
- Pay you compensation of up to £5,000 including VAT. (The adjudicator can only do this if you ask for compensation on your application.)

The adjudicator may also recommend that the company changes its policies or procedures as a result of your dispute with them.

We will keep a record of all disputes referred to IPCAS (without recording the names of those complaining). This record will help companies to improve their services to you and other customers.

What if the company refuses to do what the adjudicator says?

When the company became a member of IPCAS, they agreed to follow the same guidelines and rules as you. They also agreed to accept and keep to the adjudicator's decision. If a company is not a member but agrees to go to adjudication with you they are automatically agreeing to abide by the adjudicator's decision if you accept it.

If you would like to see a copy of the IPCAS rules, you can get a copy from the company or from our website at www.idrs.ltd.uk/ipcas. However, everything contained in the rules is explained in these notes.

I have a dispute with a company that is registered with IPCAS, but it has told me I cannot use it to resolve my dispute. Why?

IPCAS can be used only if you have already gone through the company's own complaints procedure, and only then if the dispute arises from searches undertaken as part of the property purchasing process. If you are not sure whether your complaint relates to a search, contact us or the company involved.

The scheme cannot deal with any of the following.

- Claims for compensation for more than £5,000 inclusive of VAT.
- Claims other than from individual consumers.
- Problems that would be better dealt with by the courts, arbitration services or any other complaints procedures or which have already been dealt with via the courts.
- Problems that are already being dealt with by the courts or any other complaints procedures.
- Employment and staff issues in companies that are members of the scheme.
- 'Frivolous' or 'vexatious' claims (that is, claims with no real substance or that are made only to create trouble for a company).
- Business decisions a company has made on whether or not to provide a product or service, and the terms under which they will provide it.
- Disputes between search companies.

If your dispute cannot be settled by IPCAS, contact us for advice on what to do next.

Who are IDRS Ltd?

We are well known for providing fair and independent services to members of the public who have disputes with a wide range of companies from many types of industry throughout the United Kingdom. We are a wholly owned subsidiary of the Chartered Institute of Arbitrators, a charity registered in England & Wales.

Who are the adjudicators?

Detailed information on each adjudicator can be found at www.idrs.ltd.uk/ipcas.

Each adjudicator has received training in dealing with the types of disputes IPCAS covers, as well as training in the law (particularly the law relating to consumer contracts). Each adjudicator is a member of our parent organisation, the Chartered Institute of Arbitrators, and is subject to its strict 'code of ethics' and disciplinary procedure. You can ask us for a copy of the code of ethics.

What does the adjudicator do?

The adjudicator will decide on your dispute based on the evidence you and the company give them. Adjudicators can ask you for more information that will help them to make the correct decision.

The adjudicator will always consider your arguments and evidence (as well as those of the company) and will act without bias, in line with relevant laws.

How much will it cost me to use IPCAS?

IPCAS is free to you. The only costs you might have to pay are photocopying or postage costs associated with filling in the forms and providing documents. You are not responsible for any of the company's costs.

Do I need a solicitor?

You do not need a solicitor but you can have one if you want. However, you cannot claim any expenses for a solicitor's services.

How long does the procedure take from start to finish?

The procedure is explained fully on pages 7 to 9. The matter should take no more than six weeks from the date we receive your application to use IPCAS to the date the adjudicator sends you a decision, unless your case is particularly complex. In this case you will be kept up to date on the adjudicator's progress.

How much compensation can I claim?

You can claim up to £5,000 (including VAT if appropriate) for any loss you can prove you have suffered. Any claim for inconvenience suffered will be limited to £250 per claim, within that overall sum. However, if you do not claim any compensation on your application form, no compensation can be paid.

What happens once the adjudicator has sent me a decision?

Once you have received the decision, you will have six weeks to let us know whether or not you accept it. If you do not tell us within six weeks, the decision will not automatically be binding on the company but you can still take the matter to court. You should speak to Citizens Advice or a solicitor if you want further advice.

If I agree with the decision within six weeks, when and how will I get any compensation awarded to me?

The company must pay you any compensation awarded by the adjudicator within 21 days of the date you accepted the decision. If the company does not pay you within this time, contact us and we will investigate the delay for you.

What if I have a complaint about IPCAS, the adjudicator or your staff?

If you want to make a complaint about IPCAS, the adjudicator or our staff, send it to us at the address shown on page 1 of these notes. That complaint will be dealt with under our complaints procedure. We will send you a copy of the procedure when we receive your complaint.

The IPCAS procedure

The procedure has been designed to be as quick and as cost-effective as possible.

The following pages explain how you should apply to use IPCAS, and what type of evidence you will need to give the adjudicator.

Stage 1

By now you will have been through the company's own complaints procedure and we or the company will have given you these guidance notes and an 'Application to use the Independent Property Codes Adjudication Service'.

You should now fill in the application form and send it to us within three months of the last reply from the company. This will be when the company last wrote to you or spoke to you and confirmed that the case could not be settled and was closed.

If you need more information or help to fill in the form, phone us on 020 7520 3800.

It is important that you fill in the application form as carefully as possible and provide any documents to support your case. In order to make a decision, the adjudicator will read and rely on the information you provide.

Stage 2

When we receive your form we will send a copy to the company.

The company will then have 14 working days to reply. (The company's reply is known as their 'defence to claim'.) In their defence to claim they will need to consider all of the points you have made, and give their response. The company can ask for more time to reply, and we may give them up to seven extra days.

If the company's defence to claim does not disagree with or defend any point you raised in your application, the adjudicator will assume that they have accepted that particular point. If the company does not reply at all, the adjudicator will make a decision based only on what you have said.

Stage 3

When we receive the company's defence to claim, we will send you a copy for you to add any final comments. You do not have to provide any comments if you do not want to, but if you want to you must provide them within seven working days of receiving a copy of the company's defence to claim.

If you do provide comments, they must concentrate on any points the company made. You cannot add new information that you forgot to mention earlier.

We will send a copy of your comments to the company, but they do not automatically have the right to reply to them. If they want to reply, they must phone us immediately.

The adjudicator will decide whether or not the company can reply. He or she will also decide whether you can comment on their reply.

Stage 4

We will appoint an adjudicator either when we receive your comments, or at the end of the seven working day deadline. We will tell both you and the company who the adjudicator is.

Within 14 working days of receiving all the information and follow-up comments from you and the company, the adjudicator will publish his or her decision. That decision and the reasons for it will be set out in a document. The decision is not binding on you, but it is binding on the company if you accept it.

Flow chart of a typical case

