

THE NATIONAL FEDERATION OF PROPERTY PROFESSIONALS

ARBON HOUSE, 6 TOURNAMENT COURT, EDGEHILL DRIVE,
WARWICK CV34 6LG

Tribunal Hearings Guidance Notes & General Information

Who will be there?

Aside from the member and the complainant, and any witnesses they might bring, the following will be in attendance:-

- The Tribunal comprising
 - (i) Two practitioner members. One of these members shall act as chairman of the Tribunal, and one shall have experience of the relevant property discipline.
 - (ii) One lay member.

The role of the Tribunal is to ascertain the legitimacy of the complaint brought before the Tribunal and whether there has been a breach of the standards.

- Caseworker

Their role is to present the case against the member

- Head of Regulation and/or Head of Legal and Policy

Their role is to ensure fairness, including adherence with the following order of events.

What will happen?

1. The Head of Regulation or Head of Legal and Policy shall introduce everybody.
2. The Chairman of the Tribunal will ask the Caseworker to present a summary of the case, and to read out the schedule of alleged breaches.
3. If the member attends they will be asked to admit or deny each breach. If the allegations are admitted, then proceed to 17.

If the member is not present the Head of Regulation or Head of Legal and Policy will deny each breach on behalf of the member.

4. Where the member denies breach(es) the Caseworker will present the case against the member.

Following which:

- If NFOPP is the complainant proceed to 8; or
- If the complainant is present continue to 5.

5. The Caseworker may question the complainant (if present) and/or may question any witnesses for the complainant¹.
6. The member or their representative may question the complainant and any witnesses brought by the complainant.
7. The Caseworker may re-examine the complainant, and any witnesses brought by the complainant.
8. The Chairman will invite the member or their representative to present their case.
9. The Caseworker may ask questions of the member or their witnesses².
10. The complainant may then question the member and their witnesses.
11. The member or their representative is entitled to re-examine the complainant and their witnesses.
12. The Chairman will then ask if the members of the Tribunal have any questions to put to both sides and their witnesses.
13. The Caseworker will then sum up.
14. The member or his representative may sum up briefly, but cannot introduce any new evidence.
15. The Tribunal deliberates, in camera after asking everybody to leave the room, although the Tribunal may ask the Head of Regulation or Head of Legal and Policy to provide them with technical advice.
16. When the Tribunal have reached their conclusion, all parties will be invited back when the Chairman will announce their decision as to whether they find breach(es) proven, or announce that they wish to reserve their judgement.
17. If the member has admitted the breach(es) or the Tribunal find the breach(es) proven, the Chairman will ask the Caseworker if anything is known in respect of previous non compliance by the member, including any disciplinary history.
18. The Chairman will then request any plea in mitigation from the member, and/ or impact statement from the complainant. If the member or complainant are not in attendance then the Chairman will ask the Head of Regulation or Head of Legal & Policy to read out any plea in mitigation or impact statement received in advance.
19. The Chairman of the Tribunal will then, once again, ask everybody to leave the room whilst the level of sanction is considered. When the members of the Tribunal have reached their conclusion the parties are then invited to return and the penalty will be announced, or reserved.
20. The hearing will be recorded and members and complainants can request a transcript on payment of the relevant fee.

¹ Subject to advance notice of witnesses being given- see full procedures.

² Subject to advance notice of witnesses being given- see full procedures.