

# PROPERTY EDUCATORS ACCREDITATION SCHEME





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# Key Terms

‘Rules’ means Code of Practice Rules

‘PIB’ means Property Investors Bureau

‘PEAS’ means Property Educators Accreditation Scheme

‘Member’ denotes all levels of membership partners and directors

Unless the context otherwise requires, words importing any gender shall be interpreted to mean any or all genders.

‘Fit and Proper Person’ means:

- Any unspent convictions for offences involving fraud or other dishonesty, or violence or drugs or any offence listed in Schedule 3 to the Sexual Offences Act 2003
- Any unlawful discrimination on grounds of sex, colour, race, ethnic or national origins, or in connection with the carrying on of a business
- Any contravention of any provision of the law relating to consumer, housing, landlord, or tenant law (including any civil proceedings that resulted in a judgement against you).

# Introduction

The rules contained in this Code of Practice form an integral part of the conditions of membership to the Property Educators Accreditation Scheme. In applying for membership each applicant agrees to be bound by them.

The Code of Practice aims to achieve and promote the highest standards of conduct by members of PEAS.

These rules are also aimed at protecting the public against unethical practices and provide a means of complaint against any member who fails to honour them. By adopting these Rules it is our intention to promote good standards within the property education sector and to develop a useful and mutually respectful co-operative relationship with local and national government representatives, and other agencies.

While PEAS will use its best endeavours to inform its members of current and future legislation, it must be understood that this cannot be all encompassing, and it will remain the individual member's responsibility to obtain independent legal advice and guidance on all matters.

Members must not base any action on information given by PEAS, its members or Officers, or from that contained in any material issued by PEAS, without first seeking guidance as above.

The Code of Practice, and the Complaints Procedure, may be subject to amendment from time to time.



# Rules

## 1. General duty to comply with legal obligations

A member will be familiar with all relevant laws and ensure that these laws are observed in full when conducting any business, and shall also ensure the same laws are observed by anyone acting on his behalf, whether employed by him or otherwise. Ignorance of the law cannot be used as a defence should a complaint be raised against a member.

Note: There has been no attempt to write all relevant and applicable laws into these rules. It is the responsibility of the member to make himself aware of the laws, legislation, regulations and procedures, pertinent to his particular business and /or practice. PEAS is prepared to provide whatever information and advice it can, but members should always seek professional legal guidance as PEAS will not accept responsibility for any action that results in the contravention of any law, procedure or regulation based on information or advice given. In all cases and without exception the member is responsible for seeking independent legal guidance at his own expense in any action he undertakes.

## 2. Duty to abstain from dishonesty etc.

No member shall do any act (whether in the business of being a property educator or otherwise) which: involves dishonesty, dishonourable, or deceitful behaviour, or which is unfair to members of the public; or in any way brings PEAS and /or its members into disrepute.

Note: The purpose of Rule 2 is to provide for disciplinary action to be taken against any member whose behaviour may adversely affect the public or PEAS, including fellow members, but which

is not covered under any other more specific rule. It is not designed to restrict members from competitive business transactions or limit in any way the freedom or rights of the member as an individual. It is aimed only to protect the integrity of PEAS and other members within it. This is the only rule which applies to members conduct generally and is not restricted to his practice as a business person. Conviction on a criminal offence is not necessary for proceedings under the rule as misconduct may be evidenced in other ways, and successful proceedings against a member in a criminal or civil action do not necessarily imply a breach of this rule.

## 3. Duty not to misdescribe membership

No member shall misdescribe his class of membership. No member shall display, publish or disclose in any form public or to Officers or members of PEAS indicating that he is a member of the PEAS, or a particular class of members of PEAS, if he is not such a member, or is in suspension of membership.

Note: This rule applies to any form of disclosure or publication, including the printing and use of headed stationery, advertising, and during the procedure for application or the renewal of membership. As suspension from membership means that the member loses his rights to privileges it is important, however inconvenient that stationery, etc. does not display the suspended members as if he were a member. If such a practice were to be permitted, suspension would lose its meaning and therefore its relevance.

#### **4. Duty to disclose change in class memberships**

A member shall disclose immediately and in writing to the Secretary any change in the class of membership during his term of membership.

Note: This Rule makes it mandatory to disclose any change of circumstance that alters the member's class of membership from one grade to another.

#### **5. Duty to abide by the aims and rules of the PEAS**

Every member shall, in the conduct of his business conform to the aims of the PEAS, together with these Rules and any other rules and regulations made from time to time by the PEAS.

#### **6. Duty not to seek or conduct business using improper means**

A member shall not use any oppressive or improper methods to gain or transact business; or use any method that involves dishonesty, deceit or misrepresentation.

#### **7. Duty regarding a conflict of interests**

A member shall disclose to his clients any existing conflict of interest, or any circumstance that may involve a conflict of interest in his dealings with his clients or their associates.

A member shall disclose to the Secretary of PEAS any existing conflict of interest or any circumstances which may involve a conflict of interest in his dealings with the PEAS or any of its members or their associates.

#### **8. Duty to confidentiality**

Any member shall at all times respect the confidentiality of PEAS and its members.

Note: Members are reminded that they have a duty to respect the confidentiality of the members within PEAS, the nature of the business, and any details or discussions held formally or informally at meetings or otherwise. This rule also prohibits the publication of any information given verbally or in writing, by any individual member or by PEAS as a whole, without first having sought and obtained written permission from the Officers of PEAS.

#### **9. Duty to act as a Fit and Proper Person at all times**

It is required that before a membership is issued that the person involved is a Fit and Proper person. A member will not discriminate in his dealings with clients, members of PEAS or members of the public. No applicant, client, or employee will receive less favourable treatment than others because of his or her colour, creed, ethnic or national origin, disability, age, sex, marital status, sexuality, politics, or his or her responsibility for dependants.

Note: Members will not contravene the Sex Discrimination Act 1985; the Race Relation Act 1976; Disabled Persons (Employment Act) 1944 and 1958; Equal Pay Act 1970 (and Equal Pay Amendment Regulation 1983). A member will at all times conduct his business with the highest principles of social justice. The only exception to this general rule is where a member can satisfy PEAS that the above legislation has not been contravened and that in offering property education services, denying the same to a particular individual has occurred for reasons that are acceptable to PEAS.

## 10. Duty to assist and cooperate in disciplinary investigations

A member shall cooperate with any disciplinary investigation, replying to correspondence, in accordance with the current disciplinary procedure regulations. A member may attend the formal hearing of the Dispute Resolution Committee (DRC) at which an allegation concerning his conduct is to be discussed, and that he has the right to be heard and to be represented. A member must abide by any finding. The member must also abide by any conditions imposed upon him or her within the time limit set by DRC.

Note: This rule requiring a member to co-operate with any investigation applies regardless of whether he has allegedly broken a Rule or Rules, and follows from each member's agreement to be bound by the Rules of the Code of Practice which he agrees to abide by as a result of applying for membership. A disciplinary investigation may be instigated only when a formal complaint has been made in writing to an Officer of PEAS. Complaints may be received from other members of the PEAS, prospective, existing and prior clients of the member to which the complaint applies, recognised agencies and other bodies, and from members of the public.

## 11. Duty to publish a complaints policy and subscribe to the PEAS complaints policy

A member's complaints policy should be submitted to PEAS and clearly published on the members website. PEAS complaints procedure allows members to adopt a clear process for adjudicating on complaints. PEAS complaints procedure will assist with determining if a member has breached any Rules. If a breach has occurred, PEAS membership can be revoked. This could result in the member having to publicly remove

PEAS accreditation from their website and any other platforms or resources where the logo has been displayed.

## 12. Duty to publish a money back guarantee

A member's money back guarantee should be submitted to PEAS and clearly published on the members website. A member's money back guarantee should allow consumers to receive their money back under certain circumstances.

## 13. Money back guarantee on one to five day courses

A member's money back guarantee should contain a clause agreeing to refund a consumer in full for a course that they attend if the consumer leaves the course by 12.30pm on the first day of the course. Exceptions can be made if PEAS and the member agree in advance why the money back guarantee would not be feasible for a particular course type.

## 14. Accreditation logo

As a member of PEAS it is a mandatory requirement to display our accreditation logo on your main website(s).



## **15. Complaints Procedure**

As a member of PEAS acknowledgment of a complaint to the complainant must be made within 5 working days of receiving the complaint. A final response should be issued within 30 working days of the acknowledgement or an extended deadline should be agreed by both parties in writing. In addition, PEAS have the right to publish the results of any adjudication process relating to a member. If the complainant is not satisfied with the member's final response, the complaint can be forwarded to PEAS for adjudication.

## **16. Training material**

As a member of PEAS all training materials both written and online must be in line with current legislation, up to date and correct at the time it is published. A date should be placed on the materials showing the published date. Members should issue a statement to consumers informing them that it is their responsibility to take professional advice in relation to the accuracy of the materials provided.

## **17. Verifiable claims**

As a member of PEAS it is mandatory that all claims made must be verifiable. PEAS will assume that all claims are true until a complaint is raised. At which point the complaint will be responded to using the PEAS complaints procedure. Here we will determine whether it is a contentious claim internally based on the weight of evidence.

## **18. Open reviews from proven customers**

As a member of the PEAS you will be automatically subscribed to our public review platform where only verified persons will be able to comment with verified complaints.

## **19. Funding of member's services**

Members are not permitted to encourage consumers to fund the purchase of their services using loans.

## **20. Members consent to course and material inspections**

Members give consent to PEAS officers to attend any course that falls under PEAS and view any material that is used during the course or by people they employ as trainers.

## **21. PEAS Guide to Property Education**

Members should issue all consumers of their services with the PEAS Guide to Property Education.

## **22. Members providing property deals to consumers**

Property deals are outside of the scope of PEAS. However, all PEAS members will be required to give all consumers of their services a PEAS approved document to sign which will educate the consumer about what to consider before purchasing any property deals.

## **23. Redress**

The Property Redress Scheme (PRS) is the PEAS chosen redress partners. PRS will adjudicate on all qualifying complaints from consumers on behalf of PEAS unless specified otherwise by PEAS.







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