



Key Documents

Who should read this?



Tenants



Agents



Landlords

Custodial

# How the Tenancy Deposit Scheme delivers an impartial dispute resolution service

As an Alternative Dispute Resolution (“ADR”) provider TDS makes its decisions on tenancy deposit disputes in an impartial manner, based on the evidence provided to us. We listen to both sides of the story, and decide each case on its individual facts and the merits of the evidence presented.

We do this in over 16,000 deposit disputes a year. It’s vital that agents, landlords and tenants are confident that our dispute resolution service is fair and impartial. We go to great lengths to make sure that it is, and with this in mind we explain in this guide how we safeguard those values.

TDS’ dispute resolution service is funded by the deposit protection charges received for insurance deposits, and the interest earned on custodial deposits. It is crucial that TDS members are not therefore able to influence the decisions reached, either directly or through any TDS colleagues – and this includes the Chief Executive and the TDS Board.

In addition to all the safeguards explained in this guide, TDS also operates a ‘whistleblowing’ policy. This allows the Director of Dispute Resolution to raise with the Chair of the TDS Board any concerns that the impartiality of the dispute resolution service is being undermined.



### **1. Ombudsman Association membership**

The Dispute Service is a “Complaint Handler” member of the Ombudsman Association. This means that, although not an Ombudsman, we still have to meet the same best practice principles for complaint handling and decision making that the Association requires of all its members.



### **2. Qualified adjudicators**

All of TDS’ adjudicators are employed directly by The Dispute Service and are either legally qualified or have significant experience in property management and dispute resolution. All adjudicators will have completed the internal TDS training course for adjudicators and are, as a minimum, Associate Members of the Chartered Institute of Adjudicators (CI Arb).



### **3. Continuing professional development**

All our adjudicators undergo continuous training and development. This includes peer reviews of our adjudication procedures and adjudicators alongside those of comparable dispute resolution providers.



#### 4. Code of Conduct

All TDS adjudicators are required to abide by a Code of Conduct which requires them to operate impartially and declare any conflicts of interest that they might have.



#### 5. Quality Assurance

TDS operates a quality assurance process which involves a sample of published adjudication decisions being reviewed each month by more senior adjudicators. Feedback is given to adjudicators on the quality of their decision making and the written content and presentation of decisions. In addition all complaints about adjudication decisions are reviewed carefully by senior adjudicators.



#### 6. BSI Complaints Handling Accreditation

TDS has obtained external accreditation for its Complaints Handling system and this includes how we deal with concerns or complaints about the quality of our dispute resolution service.



#### 7. Guidance

TDS publishes guidance to tenants, landlords and customers about how we adjudicate cases as well as providing detailed adjudication digests on specific topics. We have published a guide on our decision making principles in conjunction with the other deposit protection schemes showing that we work to the same standards and principles.



#### 8. Dispute Resolution Policy Sub-Committee

The TDS Board includes a separate Policy Sub-Committee made up of independent TDS Board members. This Sub-Committee reviews the policies, procedures, and performance of the dispute resolution service. It is a key guardian of our impartiality. The Director of Dispute Resolution reports directly to the Policy Sub-Committee.



#### 9. Open and transparent

We publish our adjudication statistics openly and advise on the awards we make and the reasons for them.



#### 10. An online disputes portal

Our dispute resolution process uses an online portal where the parties can upload and view each other's evidence. This guarantees that the parties have seen, and had the opportunity to comment on, the case before it reaches the adjudicator.



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tenancydeposits

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