



**A QUARTERLY DIGEST FROM THE TDS  
ADJUDICATION SERVICE**

**DECEMBER 2011**



## Introduction

**Welcome to the first quarterly round-up of news and information from the TDS Adjudication Team.**

TDS is committed to providing clear information about how we approach our adjudications, and our website includes the following information that you might find of interest:

- [A guide to Deposits, Disputes and Damages](#)
- [Case studies](#) and guidance on our approach to commonly arising disputes
- A monthly [Adjudication Digest](#), giving a more detailed explanation of a particular case that is of topical interest
- [TDS' Annual Report for 2010-2011](#)

**In this quarterly review, we aim to tell you more about the work of the team and provide some statistics on our performance and adjudication outcomes.**



## Meet the Team



The 19 strong adjudication team at TDS is headed by Michael Morgan, the Head of Adjudication and Independent Case Examiner. His Deputy is Alison MacDougall.

The day to day handling of casework is undertaken by a team of 5 Casework Scrutiny Managers and 4 Deputy Independent Case Examiners, all of whom act as adjudicators in addition to their other responsibilities.

The adjudication team also includes 7 employed adjudicators, supported by a network of 20-25 experienced freelance adjudicators who are available to deal with peaks in workflow.

*Michael Morgan, Head of Adjudication*

## How we work

After the parties to a dispute have submitted all the information they wish an adjudicator to consider, the file is scanned into electronic form. This enables us to move information quickly between case-handlers, helping our performance times.

The case is then processed by one of our 5 Casework Scrutiny Managers (CSMs) - **Jane Bradshaw, Josy Haigh, Oliver Pilgrim, Stephanie Gerstler** and **Paul Yeoman**. The CSMs review the files to make sure that the parties have been given an opportunity to respond, and that the file is ready to be passed to an adjudicator.

Once adjudication reports have been completed, they are checked for quality and consistency by the Deputy Independent Case Examiners (DICE), **Alex Britchfield, Elizabeth Knight, Maldwyn Jones** and **Sandy Fisher**. The reports may be altered by the DICE or, occasionally, passed back to the adjudicator to review a particular point before a decision is finalised. When the checking process is complete, the report passes to the Case Publishing team for issue along with the adjudication awards.



## The Adjudication Team and the Chartered Institute of Arbitrators (CI Arb)

In the past quarter, TDS has committed to demonstrating that our adjudication team is professionally qualified to resolve the disputes we are presented with.

It's not enough for us to say that we are – we needed an independent endorsement for this too. We have achieved this by ensuring that all our team undergo assessment to be admitted as **Associate Members of the Chartered Institute of Arbitrators (ACI Arb)**. The Chartered Institute of Arbitrators (CI Arb) is the world's leading professional body for promoting the settlement of disputes, and recognises expertise and professional training for individuals in private dispute resolution.

Fourteen of our employed staff have been accepted as Associate Members and two have applications under consideration. The remaining members of the team, our more recent arrivals, will seek accreditation next next year when they have gained more demonstrable experience of dispute resolution with TDS. We are also extending the same accreditation programme to all our freelance adjudicators too.

*“Being independently recognised by the Chartered Institute of Arbitrators - a benchmark of quality in dispute resolution - indicates our commitment to providing an independent and trusted service for disputes within the private rented sector. Landlords, tenants and agents using our adjudication service can be reassured by the team’s qualifications that we act with high levels of integrity and professionalism“*

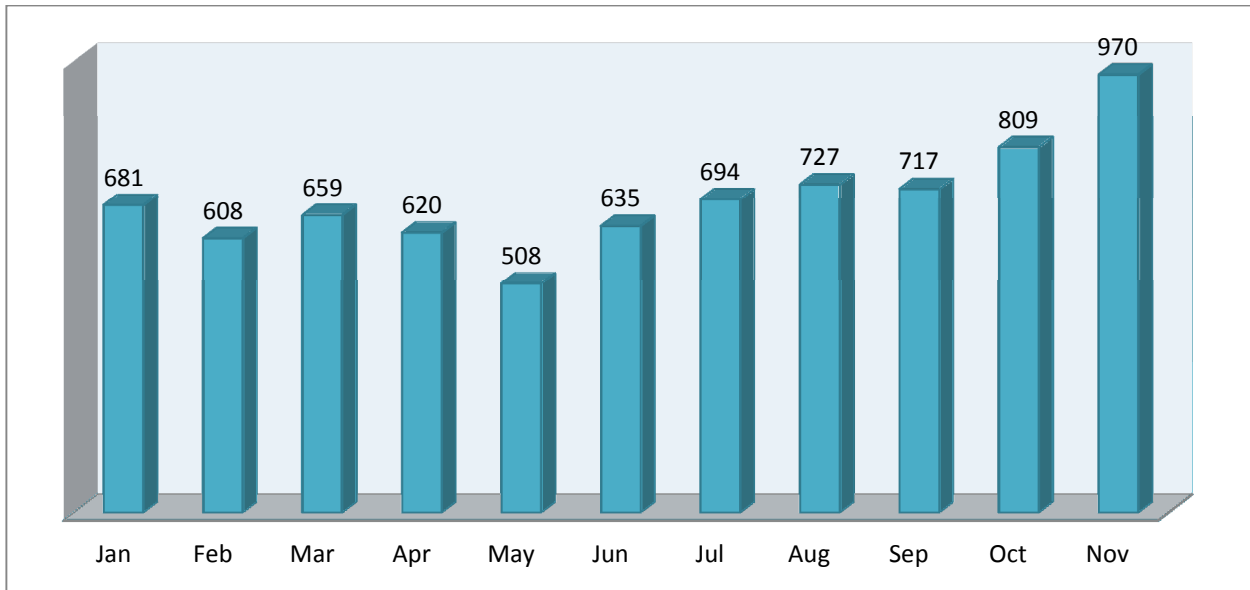
**Michael Morgan, Head of Adjudication**



## Measuring our Performance

### Adjudication Reports Issued

TDS continues to go from strength to strength as more landlords, tenants and agents have turned to it to resolve their disputes.



- In the year to date, the adjudication team has completed a total of 7,628 adjudication reports, an average of 693 per month.
- There has been a steady increase in the number of new adjudication cases received since the start of our financial year in April.
- We anticipate that the team will produce a similar number of cases for the full financial year as in 2010-2011.

### Performance Times

- Our key performance measurement is the average time it takes us to complete an adjudication from the point at which all the information has been received from the parties.
- We have consistently outperformed our minimum target of 95% of cases adjudicated in 28 days during the calendar year to date.



## Breakdown of Dispute Issues

This table shows how often claims in each category arise in disputes brought to TDS. Most disputes involve more than one category of claim.

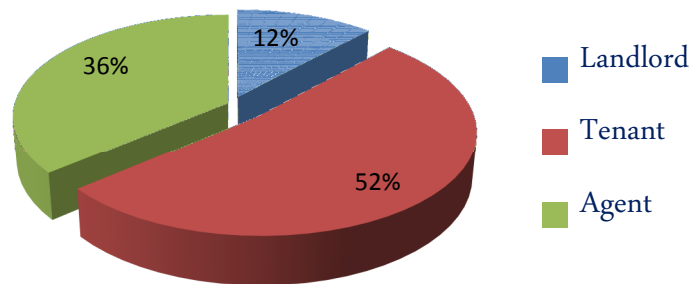
	2007	2008	2009	2010	2011
<b>Cleaning</b>	50%	52%	49%	46%	49%
<b>Damage</b>	36%	45%	43%	39%	43%
<b>Redecoration</b>	18%	25%	26%	24%	25%
<b>Gardening</b>	14%	13%	13%	12%	11%
<b>Rent arrears</b>	22%	18%	16%	15%	16%
<b>Other</b>	47%	48%	50%	55%	55%

- Cleaning has consistently been the commonest dispute in cases brought to TDS and arises in around half of the cases we deal with.
- By contrast, claims for rent arrears are seen less frequently, although they can be significant in individual cases.

## Who raises disputes?

- This table shows who, since April 2011, has instigated a deposit dispute:

	Disputes raised	Percentage of total
<b>Landlord</b>	846	11.92%
<b>Tenant</b>	3687	51.96%
<b>Agent</b>	2563	36.12%





## Outcome of Disputes

Parties sometimes complain that adjudications are biased in favour of either tenants or landlords. The figures below demonstrate that, taken as a whole, the division of disputed deposits is broadly even.

*We analyse the outcome of disputes in 2 different ways:*

- The first two columns in table 1 show the percentage of cases where either the tenant or landlord/agent received 100% of the disputed deposit. These were broadly even.
- During the same period, a much greater proportion of disputes result in the award being shared between the parties (column 3).

Year	% of disputes where the tenant got 100% of the disputed amount	% of disputes where landlord and agent got 100% of disputed amount	% of disputes where the disputed deposit was shared between all parties
<b>2008</b>	26.44%	16.58%	56.98%
<b>2009</b>	26.92%	17.04%	56.04%
<b>2010</b>	26.12%	21.16%	52.72%
<b>2011</b>	<b>16.70%</b>	<b>20.48%</b>	<b>62.82%</b>
<b>All years</b>	24.06%	19.21%	56.73%

Table 1: The % of disputes where an award is made in whole to the tenant, landlord/agent, or shared between the parties

- Table 2 shows the overall share of the disputed deposit awarded to the tenant, landlord or agent.

Year	% share of disputed deposit which went to the tenant	% share of disputed deposit which went to the agent	% share of the disputed deposit which went to the landlord
<b>2008</b>	58.00%	0.91%	41.09%
<b>2009</b>	57.24%	0.58%	42.19%
<b>2010</b>	54.86%	0.90%	44.24%
<b>2011</b>	<b>50.03%</b>	<b>1.15%</b>	<b>48.82%</b>
<b>All years</b>	54.51%	0.86%	44.63%

Table 2: The % share of disputed deposits which went to the tenant, landlord, or agent



# Tenancy Deposit Scheme



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## Join the conversation



The ***TDS Member Agents*** LinkedIn group is available for members to discuss all matters deposit related.



Follow TDS on Twitter ***@tenancydeposits***

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