

**In the matter of  
Case No. X0057278  
Ms Fiona Morrison v Miss Jessica Mackinnon**

**Disciplinary Tribunal Hearing held on  
Thursday 2<sup>nd</sup> May 2019**

**Case of**

**Miss Jessica Mackinnon, formerly a Director of Compass Inventories Limited,  
Bencewell Business Centre, Oakley Road, Bromley, Kent, BR2 8HG**

at

Propertymark, Arbon House, 6 Tournament Court, Edgehill Drive, Warwick, CV34 6LG

Miss Mackinnon is a former member of ARLA Inventories

**Alleged breaches as set out by the Case Officer:**

**Conduct Rule**

**3. Complaints handling procedure**

3.1 A PPD member's firm must have a written in-house complaints handling procedure. A customer complaint procedure template is available from Propertymark or from the online shop at [store.propertymark.co.uk](http://store.propertymark.co.uk)

3.2 The procedure must advise complainants how to complain to an independent redress scheme and to Propertymark.

3.3 A PPD member's firm must supply details of the complaints procedure to a complainant as soon as the firm becomes aware of a complaint, or to a complainant who expresses a wish to make a complaint.

**12. General duty to uphold high standards of ethical and professional behaviour**

12.1 No member shall do any act (whether in business or otherwise) which:

12.1.1. Involves dishonesty, deceitful behaviour, or misrepresentation; and/or

12.1.2. Involves other unprofessional practice or practice that is unfair to members of the public; and/or

12.1.3. In any other way brings Propertymark or any of its divisions or subsidiaries into disrepute.

**13. Duty to assist in disciplinary proceedings**

13.1 Members shall co-operate with disciplinary investigations and/or proceedings taken against them or other members

## **16. Personal Declarations**

16.1 All members are obliged to provide a declaration of their personal status at the time of joining, and at the time of renewal. Members are obliged to provide PropertyMark with any changes that occur in their status, including any new responsibilities as a PPD that are relevant to their membership within a reasonable time period. See [www.propertymark.co.uk/working-in-the-industry/member-requirements](http://www.propertymark.co.uk/working-in-the-industry/member-requirements) or see the introduction to these rules. We retain the right to refuse membership or terminate members as a result of the matters disclose, or because a failure to disclose.

16.2 All members are obliged to provide contact details, including work and personal address details and to advise the Membership Department of any changes to these details. This is to ensure members can be contacted at any time.

## **20. Continuing professional development (CPD) rules**

20.1. CPD is mandatory for all ARLA, ARLA Inventories, NAEA, NAEA Commercial and NAVA members except for Affiliate, Deferred, Retired grade members.

20.2. Members are required to undertake at least twelve hours' CPD activity per year. At least four of the twelve hours must be obtained by attendance at relevant educational events and up to eight hours by relevant private study (except for those studying for PropertyMark Qualifications relevant to their specialism). All CPD should be relevant to the membership specialism and/or relevant to business needs.

20.3. The CPD year runs from 1 January to 31 December and the twelve hours should be submitted by 31 January of the following year, listing the learning outcomes.

20.4. CPD must be provided annually for membership to continue.

20.5. If members belong to more than one division, they are required to submit twelve hours/ CPD for each division demonstrating a relevant learning outcome.

## **21. Membership Grades**

21.3.1 ARLA Inventories, NAEA, NAEA Commercial and NAVA member applicants must hold at least the applicable PropertyMark Qualifications Level 3 Technical Award (Level 6 in Scotland) or a comparable, regulated and nationally approved qualification, which is industry specific for the division and approved by the division or for NAEA, an NAEA endorsed learning programme approved for Level 3 or above. They must remain working in industry while in membership.

After consideration of the facts and submissions the Tribunal found as follows:

| <b>Alleged Breach</b>   | <b>Findings</b> | <b>Sanction</b> |
|-------------------------|-----------------|-----------------|
| <b>Rule 3</b>           | Proven          | No penalty      |
| <b>Rule 12</b>          | Proven in part  | £250            |
| <b>Rule 13</b>          | Not proven      | N/A             |
| <b>Rule 16 &amp; 21</b> | Proven          | £350            |
| <b>Rule 20</b>          | Proven          | No penalty      |

The sum of £130 was imposed on the member towards the costs of the hearing.

The case falls within the Propertymark Publications Policy.

The Tribunal issued the following statement:

“We note that the company became regulated by the Association on 15 March 2018. The checkout inventory was carried out on 22<sup>nd</sup> March, 7 days later, with the complaint being made on 26 March 2018. On that same day the complainant stated that she would take the complaint straight to ARLA. The company became de-regulated on 30<sup>th</sup> October 2018 the date that Miss J Mackinnon resigned as a director.

Miss J Mackinnon’s Association membership has since been terminated as she is no longer working in the property industry.

In respect of the proven breach of Rule 3 we impose no penalty

In respect of Rule 12, we find this rule breached in part, relating to the lack of statutory ICO registration. We fine the member £250.

Rule 13 not proven as there was engagement as soon as contact was established.

Rules 16 and 21. Breach proven by not providing correct certification regarding employment within the industry on the 2016 and 2017 membership renewals. The certificates, online, were incorrectly completed. We fine the member £350.

Rule 20, the breach is proven but there will be no penalty.”