

Adjudication complaint

All our adjudication decisions are made by impartial, qualified and experienced adjudicators. The decision about the distribution of the disputed amount held by the Scheme is made after consideration of all evidence submitted by the parties and is based on facts and the law.

Where both parties to the dispute agree to have their dispute resolved through the Scheme's Alternative Dispute Resolution service, the Adjudicator's decision becomes final and binding upon both parties. However, if you have reasons to believe there has been an error in fact, or an error in law, or an administrative error in our process, you would need to raise an adjudication review request following our dispute resolution review process.

Either the user or the tenant may apply to the Scheme within 10 Working Days of notification of an adjudicator's decision from the Scheme for a review, but may only do so on the grounds that the adjudicator has erred in fact or in law (or both).

If a review request has been received by the 10th Working Day:

- * The Scheme will invite written representations from the other party to the deposit dispute to enable the Scheme to consider whether the adjudicator may have erred in fact or in law;
- * The written representations must be returned by the other party within 3 working days of being requested;
- * On receipt of the written representations the Scheme will decide whether to accept or reject the application.
- * Where an application is rejected by the Scheme:
 - * The requesting party may not make a further application for review of the adjudicator's decision.
 - * The Scheme will release the deposit as soon as is reasonably practicable in accordance with the original adjudication decision, but not before the expiry of time in accordance with those shown in the first bullet point.

If the Scheme decides that there is a reasonable ground for believing that the adjudicator may have erred in fact or in law, the Scheme will accept the application and refer the adjudication decision for review by an adjudicator who was not involved in deciding the original adjudication decision ("Review Adjudicator")

The decision of the Review Adjudicator is final.

mydeposits Scotland will not after that stage deal with complaints made about adjudication decisions where these are to do with errors of law and/or fact. These should be dealt with by raising a request for the review of the adjudication decision. This means that the decision cannot be appealed further through the alternative dispute resolution procedure.