



## Charter for buyers and sellers

The ESPC is a major property marketing channel with a network of 140 Solicitor Estate Agents across Edinburgh, Lothians, Fife, Borders and the South and West of Scotland. Only Solicitor Estate Agents can be members of ESPC, who are all fully regulated by the Law Society of Scotland.

The Solicitor Estate Agent proposition allows for estate agency and legal work to be carried out under one roof, setting ESPC members apart from other estate agents. You need a solicitor to move home in Scotland, and our unique offering allows for a smoother transaction across all aspects of your sale and where applicable, purchase.

To promote the highest standard of service levels for both buyers and sellers, we have select ESPC member firms who have voluntarily signed up to this Residential Property Clients Charter. This encompasses all aspects of your property journey, from your initial instructions via estate agency through to completion of the legal process.

Here is what you can expect from an ESPC Charter firm when buying or selling your home :

### **General**

We recognise that our clients are entitled to a professional standard of service in relation to the sale or purchase of their residential property. We consider it vital that our clients are treated in a fair and transparent manner in order to receive that service.

Whilst it is important to recognise that each individual transaction has to be considered against its own circumstances, we believe that the following core principles are those which our members would be expected to follow in a typical sale or purchase case.

### **What you can expect from our ESPC Charter Firms:**

- The service to be provided will be professional, transparent and efficient.
- When you contact your solicitor to discuss your sale or purchase we will explain clearly the steps in the process and what you can expect from us.
- We will fully comply with anti-money laundering and anti-fraud regulations and procedures in a timely manner.
- We shall follow and record our clients' instructions accurately and promptly.
- We shall seek to meet the reasonable expectations of our clients (and if we are unable to do so, seek to explain at an early opportunity if that is not the case).
- We will inform you of any problems as soon as we are aware of them.



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- We shall communicate regularly with you be that electronically, in writing or otherwise and shall respond to telephone calls and e-mails promptly.
- We will be clear and transparent about likely costs for the transaction, including all legal fees and other outlays.
- We shall comply with the Law Society of Scotland Practice Rules at all times. In particular, we will avoid conflicts of interest and ensure that the interest of our clients are not compromised.
- We shall ensure that our legal knowledge is kept up to date in order to comply with all ongoing developments and changes in property and other areas of law and if a matter diverges into an area of law we do not deal with we will advise you of that and make recommendations of legal specialists in the area you require be that within the member firm or to another firm.
- We shall examine a seller's title deeds and let our buying clients have a written report on this as soon as possible. We shall exercise due professional skill in dealing with technical conveyancing aspects of each transaction.
- We shall ensure all Registers of Scotland registration and Revenue Scotland requirements are fully met promptly following completion of the transaction.
- We shall deal with any complaints raised by our clients in a proper and courteous fashion and in accordance with any guidelines issued by the Law Society of Scotland or the Scottish Legal Complaints Commission.
- We shall work with our colleagues and professional bodies to continue to develop the law and practices relating to residential conveyancing for the benefit our clients and the wider general public.

Although members of the ESPC will always seek to abide by the above statements, once again it should be borne in mind that every transaction may be different on its particular facts and circumstances and the specific Terms of Business entered into between solicitor and client.

### **What we require from you:**

Clients must also appreciate that they will have to be involved throughout the transaction to enable their solicitor to act in their best interests. Our clients therefore must provide us with clear and timely instructions, return signed deeds promptly, advise of any change of contact details and provide necessary documentation when required, and settle or fund outlays when necessary.

## **Selling Your Home**

### **Pre Appraisal**

- Be able to book a marketing appraisal with your chosen member firm within one working day unless otherwise stated or confirmed
- You will receive email / and or telephone confirmation of the appointment with clear signposting of what to expect on the day.

### **Appraisal**

- The firm will provide a full and transparent facts-based valuation
- The firm will provide full transparency of its range of estate agency services and what you can expect from your firm
- Where possible, the firm will identify potential legal pitfalls at this appraisal stage emphasizing the importance of a solicitor estate agent ( e.g. the need for alteration documents; consents for private drainage; planning issues)
- The firm follow up with details on the appraisal to you within 2 working days unless stated otherwise
- The firm will provide full transparency on fees and outlays where possible at this point (including for example search fee, AML, estate agency fee, legal fee, cost of Home Report, ESPC dues and EWS1 – where applicable)

### **Pre-marketing**

- Carry out KYC for your purchase (e.g. seeking evidence of mortgage in principle being available)
- The firm will discuss any obvious legalities at this point where necessary e.g. alteration documents etc
- Title and plan should be organised on or around the point of instruction
- The firm will discuss with you your marketing requirements e.g. viewings, documents, response timescales)
- The firm will discuss with you as required the technical sales process covering such matters as closing dates, offers and missives
- The firm will provide you with a point of contact at this point covering the marketing process - a conveyancer will be made available if you have any specific legal queries

### **On market**

- Your listing will include as minimum PDF schedule showing a floor plan and high-quality / high resolution photographs plus property details.



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- Properties will be described in line with current legislation
- The need or benefit of accompanied viewings will be discussed with you
- The firm will respond within 1 working day for a viewing request unless otherwise stated / confirmed
- Viewings will all be followed up within 2 working days and feedback collated for you as agreed
- On market progress will be provided weekly or as agreed with you