

Resolving consumer disputes
Making a complaint to the
ombudsman

If you have a problem sorting out
a complaint about a property
professional we may be able
to help.



We are Ombudsman Services: Property. We sort out complaints about chartered surveying firms, surveyors, estate agents, residential managing agents and other property professionals from consumers using their services.

We are independent and free to use.

We were originally set up to handle complaints about members of the Royal Institution of Chartered Surveyors (RICS).

We have been approved by the Office of Fair Trading (OFT) as an estate agent redress scheme.

This booklet will tell you what we do and how to use our service.

We hope that this booklet will give you all the information you are looking for, but please contact us if you need more details.

Our contact details are on page 22.

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What is Ombudsman Services: Property?

If you have a problem sorting out a complaint about a property professional which is a member of our service, we may be able to help.

The service is free and independent.

We consider complaints fairly. We listen to both sides and look at the facts.

We can only look at your problem if one of our members is involved so it is very important that you check this first. A list of our members is available on our website, **www.os-property.org**, or you can check with the property professional you are complaining about. If it is a member of our scheme it may also display our logo in its office or shop window or on its website.





Who can complain?

You can use the service if you are a consumer and:

- you are complaining about a chartered surveying firm or a surveyor that has provided, or is contracted to provide, a surveying service to you and is a member of our service (a member firm); or
- you have relied upon the surveying services of a chartered surveyor or a surveyor which is a member firm; or
- you are an actual or potential buyer or seller of a residential property who has a complaint about an estate agent that has provided, failed to provide, or is contracted to provide, a service to you and is a member firm; or
- you are a potential buyer or seller of a residential property who has relied upon the services of an estate agent which is a member firm; or
- you have a complaint against a letting or residential managing agent that has provided, or is contracted to provide, a service to you and is a member firm; or
- you are representing a customer who meets the above conditions and you have the customer's permission, in writing, to make the complaint.



What kind of complaints do you deal with?

We deal with complaints made against chartered surveying firms that have joined RICS and have become 'member firms' of Ombudsman Services: Property. These will usually say that they are 'Regulated by RICS'.

We also deal with complaints made against surveyors and estate agents which have not joined RICS but have chosen to become member firms.

We handle complaints about managers of residential properties, also known as managing agents or property managers, which have joined the Association of Residential Managing Agents (ARMA) and are members of our service.

We also handle complaints about residential letting agents which are members of our service.

Complaints might include an apparent breach of obligations, unfair treatment, avoidable delays, failure to follow proper procedures, rudeness or discourtesy, not explaining matters, poor or incompetent service.

We have been approved under the Housing Act as a redress scheme for the purposes of Home Information Pack (HIP) related complaints.





What we can and cannot do

What we can and cannot do is set out in our terms of reference (our responsibilities). This booklet sums up the main points. You are welcome to read the full terms of reference - please just ask us for a copy or go straight to our website at **www.os-property.org**

We will decide whether your complaint fits in with these terms and whether we have the power to deal with it.

We are here to help

Please ring us if you would like to discuss whether your complaint is one that we can deal with.



When is the right time to complain?

Before you complain to us, you must first have complained to the member firm and given it a fair chance to sort the problem out. If you are still unhappy, you can contact us.

You must have told the member firm about the problem within 12 months of first knowing about it. So, for example, if you realised there was a problem with a service that was provided to you on 21 September 2009, you need to have told the member firm about it by 20 September 2010.

If you have already complained to the member firm, there are three situations where you can then come to us (see below). The deadline for bringing your complaint to our attention is nine months from the date you first told the member firm about the problem.

Not making satisfactory progress

You must follow the member firm's complaints procedure and allow up to eight weeks for it to sort out the problem. If after eight weeks of making your complaint you are still not happy with the way the member firm is dealing with it, you can pass it to us. For example, there might have been no reply to your complaint or you may not be satisfied with the resolution that has been offered.



The firm's final response

You might get a letter from the member firm that says it will no longer be considering your complaint. The letter might say, for example, that it can't do anything for you and that this is the final position.

We call this a 'deadlock letter'.

You then have six months from the date of that letter to pass your complaint to us.

Unable to complain

You have encountered sustained difficulty in registering or progressing a complaint even if eight weeks have not yet passed.

You can call us on **0330 440 1634**.

Textphone users can call us on **0330 440 1600**.

You can also email us at

enquiries@os-property.org

Our full contact details are on page 22.



Is there anything that the ombudsman cannot deal with?

Yes. These include:

- complaints that would be better considered by the Courts; or
- complaints that are more appropriate for other dispute resolution schemes.

Where this is the case we will refer you to the appropriate place.





How do I make a complaint?

When you contact us, we will ask you what has happened and decide if we can deal with your complaint. We will take the details, fill in a form and send it to you to check, sign and return to us. We will need you to send **copies** of all of the documents that you have to support your complaint – we cannot return any original documents you send to us. Once we have this information, the process will begin.

By signing the complaint form, you give permission for the member firm to release to us any information it holds about you and the service it has provided to you, which may be relevant to your complaint.

What if I provide some information to you in confidence?

If you believe that some information should be kept confidential between you and us, you should mark that information clearly and tell us why you think we should not pass it to the other party. We will consider your request – but we may not agree to it, unless there is a strong case for confidentiality, such as security reasons.

We may publish case studies and information about complaints but we do not release the names of the individual consumers or businesses involved.



How do you handle complaints?

We will decide as soon as possible whether your complaint is one that we can deal with and let you know. How long it takes us to come up with a resolution depends on how complicated the complaint is and how quickly we can get to the facts.

We receive complaints, consider them and, where appropriate, investigate. We will resolve complaints as quickly and easily as possible. It is for the ombudsman to decide how a complaint should be handled.

Sometimes when we ask the firm you are complaining about for information about what has happened so far, the firm tells us that it could do more to settle your complaint. We may agree to give it the opportunity to do so. We then check if you are happy with the resolution offered.

Where we need to, we will ask the member firm to provide all the information it has about your complaint. We will examine the information provided to us and send you a report with our review of the case and any recommendations.





Representations

If you or the member firm believes that we have made a significant error in fact, or you have important new evidence that would have a material effect on our decision, this can be sent to us.

Letting you know

Whatever the outcome, we will write to you and the member firm to let you know.



How might things be put right?

We may ask the member firm to provide any or all of the following:

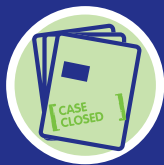
- a service or some practical action that will benefit you;
- an apology or explanation;
- a financial award.

It is not the ombudsman's role to punish member firms when deciding what resolution to provide.

If a financial award is needed, this will be the amount that we consider appropriate to the particular dispute. This can be as much as £25,000 (including VAT).

We may also recommend that the member firm should make changes to its procedures so that the same problem is less likely to happen again.





Do I have to accept your decision?

No. It's up to you to decide if you are satisfied with the final decision.

If you accept the decision

The member firm will keep to the final decision and take the action that the ombudsman has asked for.

If you don't accept the decision

You lose the right to the resolution that the ombudsman has offered. However, you can still follow other routes to try to sort out the problem in a way that suits you better.

We work to time limits so it is important that you let us know as soon as possible whether you wish to accept or decline the decision.



Is the service independent?

Yes. It is important for us to be independent so that people trust us to be fair. We have a Council to make sure of this.

Our Council's job is to:

- agree the appointment of the ombudsman;
- keep the service independent;
- review our performance and business plans;
- recommend any changes that might need to be made to the way we work; and
- ensure adequate funding by setting the budget.

How are you funded?

We are funded by our members. We have a Board (the Member Board) made up of property professionals and independent representatives. The Member Board considers our performance and funding requirements.





Who's who?

Chief Ombudsman

Lewis Shand Smith is the Chief Ombudsman. He is supported in his work by a team of ombudsmen, investigation and enquiry officers.

Council

The Council is mostly made up of independent people. There are also industry representatives from the Member Boards.

If you would like to know who is on the Council, please visit our website or contact us.

Member Board

The Member Board has an independent Chairman, an equal number of property professionals and independent people and an independent representative from the Council.

If you would like to know who is on the Member Board, please visit our website or contact us.



Who else might be able to help me?

Consumer Direct

Consumer Direct provides practical consumer advice. Its regionally based advisors are specially trained to give practical advice on all kinds of consumer issues.

08454 04 05 06 or
08454 04 05 05 (Welsh speaking advisor)

Minicom: **08451 28 13 84**

www.consumerdirect.gov.uk

Citizens Advice

Citizens Advice may be able to help you with your complaint. You can find out how to contact your local branch in England, Wales and Northern Ireland by looking at the 'Adviceguide' website. Details for contacting your local branch will also be listed in the phone book.

www.adviceguide.org.uk

Citizens Advice in Scotland

www.cas.org.uk





DIAL UK

DIAL UK is a network of advice centres for people with disabilities.

**St Catherine's
Tickhill Road
Doncaster
South Yorkshire DN4 8QN**

01302 310 123

Minicom: **01302 310 123**
(please use the voice announcer)

informationenquiries@dialuk.org.uk

www.dialuk.info

Age Concern England

Age Concern England has a network of local advice centres for older people.

**Freepost (SWB 30375)
Ashburton
Devon TQ13 7ZZ**

0800 009 966

www.ageconcern.org.uk



Association of Residential Managing Agents (ARMA)

ARMA gives advice to its members on issues relating to residential leasehold blocks of flats managed by members.

**178 Battersea Park Road
London SW11 4ND**

020 7978 2607

Fax: **020 7498 6153**

info@arma.org.uk

www.arma.org.uk

The Legal Ombudsman

The Legal Ombudsman will be able to resolve disputes between consumers of legal services and Lawyers from the second half of 2010.

0121 503 2930

enquiries@legalombudsman.org.uk

www.officeforlegalcomplaints.org.uk





The Financial Ombudsman Service

This is the independent service for settling disputes between businesses providing financial services and their customers.

**South Quay Plaza
183 Marsh Wall
London E14 9SR**

0845 080 1800

www.financial-ombudsman.org.uk

Royal Institution of Chartered Surveyors (RICS)

RICS is the leading source of land, property, construction and related environmental knowledge. It supports 130,000 members worldwide, to promote best practice, represent consumers' interests and provide impartial advice to society, businesses, governments and global organisations.

**RICS Contact Centre
Surveyor Court
Westwood Way
Coventry CV4 8JE**

0870 333 1600

Fax: **020 7334 3811**

contactrics@rics.org

www.rics.org.uk



Contact us

Write to:

Ombudsman Services: Property
PO BOX 1021
Warrington WA4 9FE

Phone:

0330 440 1634 or **01925 530 270**

Fax:

0330 440 1635 or **01925 530 271**

Textphone:

0330 440 1600 or **01925 430 886**

Email:

enquiries@os-property.org

Website:

www.os-property.org



We issue information in other languages and other formats.

Visit our website:

www.os-property.org

Ombudsman Services: Property

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