

# A consumer guide for helping you resolve your dispute

## 1. About Us

The Property Ombudsman is a free and impartial service that resolves disputes between consumers and property businesses. We are not a public body, but we are approved by the **Ministry of Housing, Communities and Local Government**, the **National Trading Standards for Estate Agents and Lettings Team**, the **Chartered Institute for Trading Standards**, and the **Ombudsman Association**.

Our service is free to use for consumers: Our work is funded by registered property businesses. Property agents providing estate, letting and property management services must join an approved redress scheme.

There are also other organisations that join us on a voluntary basis. These include surveyors and building warranty providers. You can search our member database [here](#).

## 2. Getting Started

Our scheme rules (known as our [Terms of Reference](#)) explain when we can and cannot help. We can usually help with your dispute if:

- The business you want to complain about is registered with us. You can search our [member database](#).
- You have complained to the property business and received their final response (their 'final viewpoint' letter) or more than eight weeks has passed since you made your first complaint.
- You have complained within 12 months of the event you want to raise a dispute about, or the date you first became aware of it.
- You refer your complaint to us within 12 months of the date of the property business's final complaint response.
- You co-operate with our staff and follow our process.

For more information about complaining to the property business, please read our guide to [raising a complaint](#).

We may not be able to help if:

- Your concerns have already been considered by a Court.
- You want a legal determination that can only be obtained through a Court. We also cannot fine a property business, nor can we issue criminal sanctions.
- There has been no impact on you as a result of something the property business did or did not do.
- We have already considered your dispute.

## 3. Raising a dispute with us

You can make a complaint to us through our [online complaints form](#). We look at all sorts of complaints about property businesses, such as:

- Delays – taking too long to do something.
- Failure to communicate – not telling you about what's happening or not explaining things.
- Failing to follow instructions – not doing something that you asked them to do, or doing something that you asked them not to do.

When completing our form, please be as specific as possible about what went wrong, and what you would like as an outcome. Please do not provide evidence unless we ask you to.

If you cannot use our online form, please contact us.

You do not need legal representation to use our scheme. However, someone else can bring your complaint to us on your behalf, and act for you throughout the process. If someone is going to act on your behalf, please let us know so we can advise you of the next steps.

You can withdraw your complaint whenever you like: if you want to withdraw your complaint please let us know.

## 4. Resolving Your Dispute

### Step 1 – Evaluation

Once we receive your complaint, we will check to see whether we can consider it. We apply the criteria set out in our scheme rules (known as the [Terms of Reference](#)). We may need to ask you for further information before we can decide whether we can accept your complaint.

If we cannot help you, we will explain why and may also signpost you to other organisations that can help.

### Step 2 – Early Resolution

If your complaint meets our scheme rules, we may then refer your case to our Early Resolution team. We do this when we think your case could be resolved by agreement.

We will then decide if we think your case has a reasonable prospect of success. If we decide there is not, we will explain why and close our file.

If we do think there is a reasonable chance of success, we may invite the property business to make an offer to resolve the matter. If the property business makes an offer that we think is fair and reasonable, we may decide that your dispute has been resolved and close our file. We will always explain to you why we think the offer is fair.

If the property business either does not make an offer, or does not make a reasonable offer, we will refer the matter to **Adjudication**.

### Step 3 – Adjudication

If we decide that your case is not suitable for early resolution, or if the property business does not make a reasonable offer to resolve your complaint, and your case has reasonable prospects of success, it will be referred to an Adjudicator.

We will ask the property business to provide their records and any evidence connected with the dispute. This is often called a 'company file'. They will also be asked to provide a response to the things you have said in your complaints form. You may also be asked to provide evidence to support your version of events.

The Adjudicator will look at the evidence given by you and the property business. They will use our Codes of Practice, legal principles, common sense and what is fair and reasonable in the specific circumstances of your case to decide whether there were shortcomings in the service provided to you.

**The Property Ombudsman** Milford House, 43-55 Milford Street, Salisbury, Wiltshire SP1 2BP

Complaints Enquiries: 01722 333 306 [www.tpos.co.uk](http://www.tpos.co.uk)

Membership Enquiries: 01722 335 458  @TP0mb  facebook.com/PropertyOmbudsman

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In most cases, the Adjudicator will write a proposed decision (a Case Review) that explains their reasoning. It will set out the facts of the case, the evidence considered, and the outcome of the dispute. If the Adjudicator agrees that you were provided with poor service, they will say what needs to happen to put things right. That could include any of the following, that the property business should:

- take steps to improve the way they work
- take steps to put matters right
- pay you compensation
- limit or refund their fees
- issue a formal apology

If there has been no or minimal impact on you, the Adjudicator may make no award or direction. If the Adjudicator decides that an award of compensation is appropriate, they will look at the impact that the poor service had on you. They will consider factors like the duration of the poor service, your individual circumstances, the impact that issues had on your family, and whether there were lots of shortcomings. Most of our awards are less than £1,000, with many awards being below £500.

Unless your case is complex, we aim to make a decision within 90 days of us receiving all the information we need. Sometimes, the property business does not provide us their records. However, that does not stop us from making a decision.

If you do not provide us with information we ask for, we may either make a decision based on the information we have, or we may close our file.

#### **Step 4 – Decision**

Once you have received the proposed decision, you should read it carefully.

You will then be asked whether you agree with the decision and accept the outcome. The property business will also be asked whether they agree with the decision. If you both agree with what the Adjudicator has said, the proposed decision will become final. If we have instructed the property business to do something to put something right, we will let you know what will happen next.

If you or the property business thinks we have made a fundamental mistake (for example, if we have ignored important evidence), or if there is new evidence that was unavailable before, you or the property business can raise a representation. This provides an opportunity for us to look again at our decision.

We will not accept a representation just because you or the property business does not agree with either the decision or the amount of compensation awarded.

If we accept a representation from you or the property business, the case will be looked at again. You will then receive a final decision. We could decide to change, vary or uphold our proposed decision. Because we look at the case afresh, a final decision may award you less compensation than in the proposed decision.

You do not have to accept our decision. You can reject our decision. If so, our decision will become final, and any direction or award of compensation will lapse. You could then decide to pursue your dispute through a Court or another organisation.

Once our decision becomes final, we will arrange to close our file.

## **5. What you can expect from us**

We will treat you courteously and fairly. We aim to keep you updated at key stages in the process. Our two main ways of contacting you will be by email and telephone.

If you need support in following our process, please let us know. We will talk to you about any reasonable adjustments we could make that would help you.

We will provide an explanation of the decisions we make, but we will not continue to write to you or speak to you to provide repeated explanations.

If you are unhappy with our service, please tell the person dealing with your dispute. They will usually be able to address your concerns quickly. If you are still unhappy, you can raise a [service complaint](#) about us.

## **6. What we expect from you**

We expect you to co-operate with our staff and our processes and let us know if we haven't understood something. We expect you to accept our processes and do not repeatedly challenge staff, processes, or decisions.

We recognise that the issues leading to you raising a dispute can be stressful and upsetting. We also recognise that you may not agree with our decisions. However, we expect our staff to be treated courteously and with respect. We do not tolerate abusive, harassing, or unreasonable behaviour. On rare occasions, we may restrict the way in which a person contacts us. We may also discontinue consideration of a dispute. Further information can be found in our [Unreasonable Behaviour Policy](#).

## **7. How we use your data**

We publish a [Privacy Policy and Data Protection Policy](#) that provides details of how we use your data.

We may use or publish details of your case anonymously. We may publish a summary of your case, or part of it to illustrate matters of best practice and to assist in educating consumers and property businesses.

Our approval obligations mean we may also share details of your complaint with regulators, for example Trading Standards, and other approved schemes like ours.