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APPROVED BY:



Ministry of Housing,
Communities &
Local Government



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1. How to Handle Complaints...and Resolve Them

TPO has been dealing with disputes between consumers and property agents since 1990. In that time, we have seen many complaints that could have been resolved by the agent without referral to TPO. The following tips are based on that experience.

Remember: Handling a complaint properly will reduce the chance of referral to the Ombudsman, First Tier Tribunal, or the courts, save you time and maintain (and sometimes even enhance) your reputation. Receiving complaints is normal for any business, and should not be considered personal, you should remember to remove emotion and remain impartial. A complaint presents a business with an opportunity to learn and provide a better service.

Acknowledge the complaint

Whether you think the complaint is justified or not, the consumer will always consider that it is. Acknowledge the complaint and explain what you will do next and by when. **NEVER, EVER IGNORE A COMPLAINT.**

Understand the complaint

Consider the needs of the individual and, where appropriate, make reasonable adjustments for consumers who might be disadvantaged because of factors such as their age, infirmity, disability, lack of knowledge, lack of linguistic or numeracy ability, economic circumstances, bereavement or do not speak English as a first language.

Take the time to make sure you fully understand the issues being raised. If you address all the issues at the outset you are more likely to resolve matters there and then.

Explain residents' rights relating to the issues

A resident could be the leaseholder, leaseholder with share of freeholder or an assured shorthold tenant. Be aware of the differences when explaining their rights.

In the case of leaseholders, remember that residents may not understand their rights and where their complaint should be directed, and how. You should advise residents at the earliest opportunity about these options.

Upon receiving the initial complaint, you should differentiate between:

1. Issues raised by residents which directly relate to your actions;
2. Actions you have taken under instruction from the landlord.

You should refer complaints concerning the actions you have taken under the instruction of the landlord, to the landlord. The landlord is the party who holds the ultimate responsibility to meet the provisions of the lease, and that only they have the authority to instruct you to manage the estate in a different way.

Service Charges

Where you receive service charge complaints, provide those complaining with the guidance on the following page.

Be honest

Everyone knows that everyone makes mistakes. If you have made a mistake, acknowledge and apologise for the error. Do not attempt to avoid, gloss over or omit issues central to the complaint.

Be thorough

Spend the time investigating the issues. Complainants will know when you have not investigated their concerns properly - this will cause further dissatisfaction and the dispute to escalate.

Be polite and professional

Regardless of the complainant's manner always be polite and professional when responding. Never use inappropriate or provocative language, or make personal allegations.

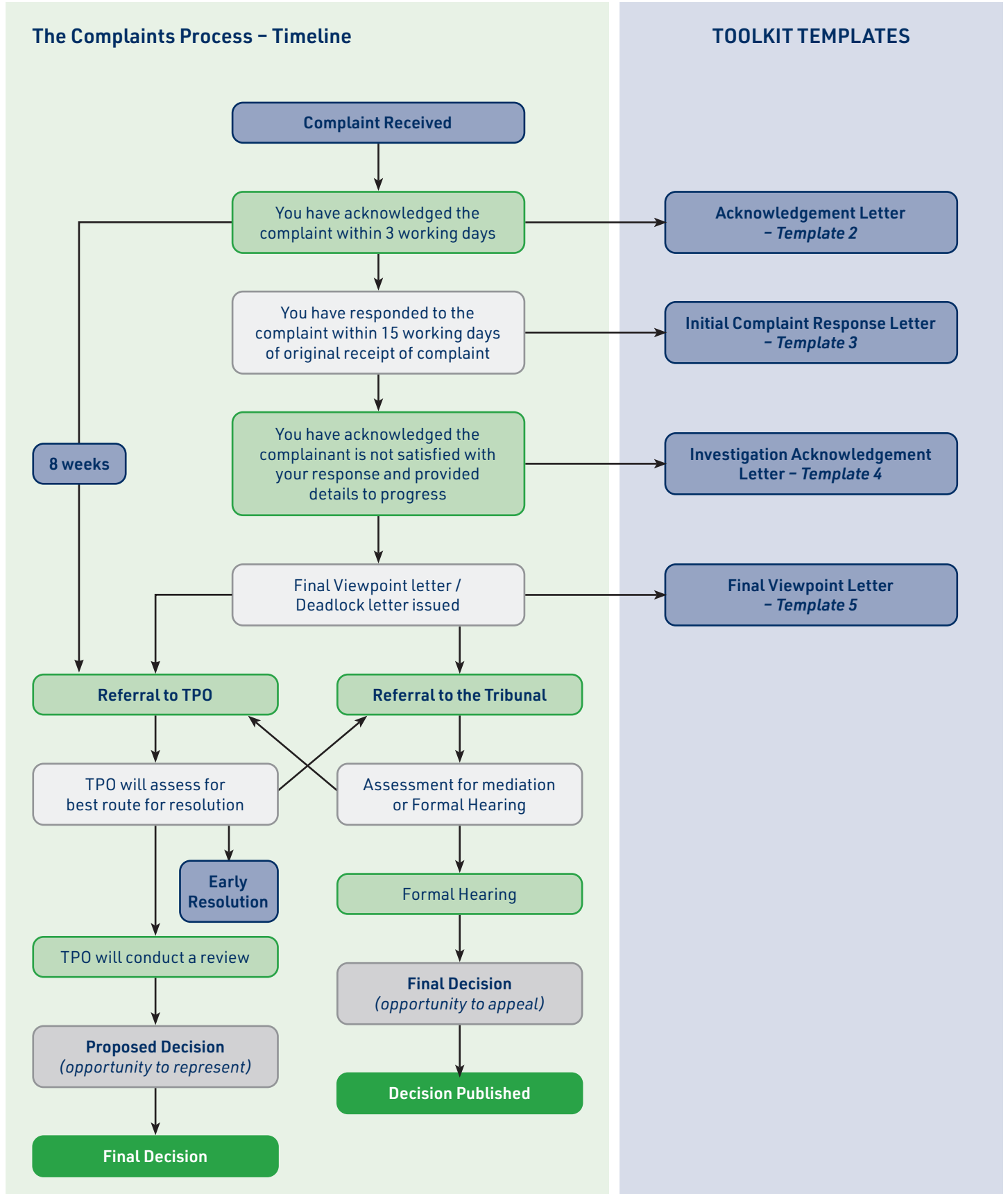
Take complaints off-line

Consumers may complain via social media platforms. Regularly check your social accounts and always take complaints off-line by acknowledging the contact and then directly contacting the consumer.

Don't be afraid of complaints

If you want to grow as a business, you need to know when you get it wrong! Make it easy for consumers to contact you and take active steps to change processes or behaviour where shortcomings are found.

2. MANAGING AGENT GUIDE – The Complaints Process



3. Challenging Service Charges – A Guide for Leaseholders

Investigating the fairness of service charges, and the quality of services or works they are collected for, falls outside of the jurisdiction of The Property Ombudsman. Challenges must be referred to the First-Tier Tribunal (or in Wales, The Leasehold Valuation Tribunal).

The following provides some information on the process and the steps that are recommended.

1. Many disputes arise from a misunderstanding about the costs and services involved. Try to discuss the issue with whoever acts as your landlord, or their agent, and reach an agreement in the first instance. They should be able to give you information on the costs you are being asked to pay and what checks they undertake to ensure services are being provided to a reasonable standard.
It is not advisable to stop paying altogether – this may result in your account being passed to solicitors and the property manager or agent being advised to cease discussing your concerns.
2. If you cannot reach an agreement, your lease may set out a way of resolving the dispute, such as arbitration by a qualified surveyor. If all parties agree, you could consider mediation; this can be a quick and easy means of resolving the dispute as trained property professionals can suggest ways to resolve the situation. There is no obligation for you to agree but if all parties are satisfied the dispute will be formally settled.
3. If you have exhausted these options, you will likely need to apply to the Tribunal. They deal with a wide range of issues and some are more complex than others. When challenging service charges, legal representation is not necessarily required. It is still strongly recommended that you seek advice in the first instance about the information you will need to submit and whether a hearing may be necessary.
Groups of leaseholders may be entitled to a management audit by a qualified surveyor and this can help collect evidence for the Tribunal.
4. Complete the appropriate Tribunal form: <https://www.gov.uk/government/collections/residential-property-first-tier-tribunal-forms#leasehold-management>. Be as thorough as you can in describing your issues and supply supporting evidence.
5. The Tribunal can – where asked – examine a wide range of issues. They can investigate costs such as insurance, maintenance and repair charges, and management or administration fees. They can visit your site to check whether scheduled works such as cleaning or gardening have been done regularly or completed to a good standard. They can also give a view as to whether the property manager has responded to your concerns in an appropriate manner. Finally, they can make recommendations for improvements to the services, or appoint a new manager altogether.

In summary, although the Tribunal should be treated as a last resort, it allows for a comprehensive examination of your issues and provides a formal ruling about whether your service charges are reasonable in the circumstances, and whether the services they cover have been provided to the standard you are entitled to expect.

We recommend that you contact The Leasehold Advisory Service and view the Tribunal decisions on their website: <https://www.lease-advice.org/>

Please note that residents who own their Freehold cannot apply to Tribunal and must instead refer their dispute to the County Court.

ADD COMPANY NAME AND/OR LOGO

4. In-house Complaints Procedure – TEMPLATE 1

We are committed to providing a professional service to all our clients and customers. If things go wrong we need you to tell us about them. This will help us to improve our service going forward and resolve issues as soon as possible.

If you have a complaint, please put this in writing (letter or email) to us. We will then acknowledge and respond in line with the timescales and stages set out below. The process should take no longer than 8 weeks.

We consider the needs of the individual and, where appropriate, make reasonable adjustments for consumers who might be disadvantaged because of factors such as their age, infirmity, disability, lack of knowledge, lack of linguistic or numeracy ability, economic circumstances, bereavement or do not speak English as a first language.

Stage 1 – Your Complaint

Please put your complaint in writing either by letter or email and address it to:
 _____ (including role).

Please include as much detail as possible, outlining all issues you would like considered, including dates, names of any members of staff you dealt with, and where you are able to enclosing/attaching any supporting evidence.

Email: _____

Remember to include details for complaints from a 3rd party or contractor if they differ from your usual complaints procedure.

Stage 2 – Our Acknowledgement

Your complaint will be acknowledged and we will start our in-house complaints process.

Timescale: We aim to respond within 3 working days of receiving your complaint.

Stage 3 – Our Investigation

Your complaint will be investigated and _____ (relevant member of staff if applicable) will provide a formal written response addressing your specific complaints and proposing resolutions where appropriate.

Timescale: We aim to respond within 15 working days of receiving your complaint.

Stage 4 – Our Final Investigation

If you remain unhappy, your subsequent complaint will be investigated and _____ (relevant member of staff if applicable) will provide a written response outlining our final position and proposing resolutions where appropriate.

Timescale: We aim to respond within 15 working days of receiving your subsequent complaint.

If we have not addressed your complaints within eight weeks, you can refer your complaint to the Ombudsman.
No charge will be made for any complaint we handle.

ADD COMPANY NAME AND/OR LOGO

Stage 5a – Complaints about our obligations to you

For complaints about our obligations to you, you can refer your complaint to The Property Ombudsman:

The Property Ombudsman

Milford House, 43-55 Milford Street, Salisbury SP1 2BP
01722 333306 | www.tpos.co.uk

Timescale:

You must refer your complaint to The Property Ombudsman within 12 months of the date of our final viewpoint letter.

Stage 5b – Issues with your lease and service charges

For complaints about your lease and the services provided under your lease, you can refer to the First-Tier Tribunal. For example:

- Increases in service charges and estate charges
- The quality of management services provided
- The fairness of charges applied in line with your lease
- Consultation on major works and contracts

Operates 5 regional tribunals in England: <https://www.gov.uk/courts-tribunals/first-tier-tribunal-property-chamber>

If we have not addressed your complaints within eight weeks,
you can refer your complaint to the Ombudsman.

No charge will be made for any complaint we handle.

ADD COMPANY NAME AND/OR LOGO

5. Acknowledgement Letter – TEMPLATE 2

Dear _____ (Complainants name)

RE: _____

_____ (Property Address)

Thank you for your email/letter dated _____ (date), we are sorry you are dissatisfied with the service provided. We appreciate you raising your concerns and _____ (company name/member of staff) will provide a formal investigation into your complaints by _____ (date). If you would like to discuss the issues you have raised with us by telephone, we would be happy to schedule time to do so.

I understand the issues you would like me to investigate are _____ (list of issues raised).

Please confirm these are the issues/complaints you have raised or contact me within 48 hours if this is not the case.

In the meantime, we would welcome thoughts on what would resolve the issues/complaints you have raised.

Should more time be required to investigate the issues raised _____ (member of staff name) will contact you to explain why.

It is never our intention to give our customers anything other than an excellent customer experience and I am sorry you have felt this was not the case for you this time.

To refresh you about how we will deal with complaints and the steps involved, I have enclosed a copy of our internal Complaints Procedure. Please take the time to read this.

Thank you for your patience.

Yours sincerely

_____ (Name)

_____ (Job title)

ADD COMPANY NAME AND/OR LOGO

6. Initial Complaint Response – TEMPLATE 3

Dear _____ (Complainants name)

RE: _____

_____ (Property Address)

Thank you for your email/letter of _____ (date), raising your complaint to us.

Having considered the issues you have raised with us, I have summarised below what I understand your specific complaints to be and what you feel would resolve the matter for you:

- A _____
- B _____
- C _____
- D _____

If there are any issues you feel have not been covered above, please let me know within 48 hours so I can address these complaints too.

Based on the evidence available to me, I have concluded that....

Explain the company's position with regard to the complaints listed above. Include any resolution (financial or otherwise as appropriate) where possible. You may like to enclose supporting evidence of your argument if appropriate.

Remember to differentiate between:

- 1. Issues raised by residents which directly relate to your actions;*
- 2. Actions you have taken under instruction from the landlord.*

Confirm whether you have referred any complaints concerning the actions you have taken under the instruction of the landlord, to the landlord and explain that the landlord is the party who holds the ultimate responsibility to meet the provisions of the lease, and that only they have the authority to instruct you to manage the estate in a different way.

When dealing with service charge issues clearly explain that these can be paid under protest or 'without prejudice' whilst complaints are being considered, and that withholding payment could lead to the case being passed to solicitors and, ultimately, forfeiture of the lease.

I hope this resolves the issues you have raised with us. If you are dissatisfied with this response you may escalate your response to _____ (member of staff name) who will conduct a separate review of your complaint within 15 working days of receiving your escalated complaint.

Yours sincerely

_____ (Name)

_____ (Job title)

ADD COMPANY NAME AND/OR LOGO

7. Investigation Acknowledgement Letter – TEMPLATE 4

Dear _____ (Complainants name)

RE: _____

_____ (Property Address)

Thank you for your email/letter of _____ (date), in response to our initial investigation into your complaint. We are sorry you are not satisfied with the response received. Customer satisfaction and service provided is something we value and we would like to resolve your complaint.

Your complaint will be independently investigated by _____ (name of member of staff) who will provide a final viewpoint letter/deadlock letter on the issues you have raised. ~~raised~~ [delete if not the final stage].

This will be provided to you by _____ (date).

[Remember to provide any update issues that have been passed to the landlord to consider]

Should more time be required to investigate the issues raised _____ (name of member of staff) will contact you to explain why.

To refresh you about how we will deal with complaints and the steps involved, I have enclosed a copy of our internal Complaints Procedure. Please take the time to read this.

Thank you for your patience.

Yours sincerely

_____ (Name)

_____ (Job title)

ADD COMPANY NAME AND/OR LOGO

8. Final Viewpoint Letter – TEMPLATE 5

Dear _____ (Complainants name)

RE: _____

_____ (Property Address)

Thank you for your email/letter of _____ (date), raising your complaint to us.

My name is _____ (name of member of staff) and I have looked at your subsequent complaint.

We are sorry you have felt the need to escalate your complaint to this stage and that we have not yet been able to resolve the matter. It is never our intention to give our customers anything other than an excellent customer experience and I am sorry you have felt this was not the case for you this time. You can be assured that we take all issues raised to us very seriously.

I understand that you remain dissatisfied with our response to your complaint. Having thoroughly considered the complaints and correspondence to date, I understand your specific complaints to be:

- A _____
- B _____
- C _____
- D _____

Based on the evidence available to me, I have concluded that...

Please explain the company's position with regard to the complaints listed above. Include any resolution (financial or otherwise as appropriate) where possible. You may like to enclose supporting evidence of your argument if appropriate.

I would like to offer our sincere apologies that you felt the service provided to you fell below the standards expected of us. I have taken on board all of your comments and will use this feedback to review our procedures, practices and service levels and make amends where needed. I thank you for taking the time to bring these matters to our attention. As a business we welcome all feedback, both negative and positive.

This represents the final viewpoint of _____ (*Company Name*).

Please be advised that any goodwill offer made is accepted in full and final settlement.

I hope that I have been able to resolve the matter to your satisfaction. If, however, you remain dissatisfied, the information below explains how you can pursue things further:

a) For complaints about service charges and services provided under your lease, contact:

The First-Tier Tribunal

Details for the London, Northern, Eastern, Midlands, and Southern regions can be found here:

<https://www.gov.uk/courts-tribunals/first-tier-tribunal-property-chamber>

b) For complaints about our obligations to you:

The Property Ombudsman

Milford House

43-55 Milford Street

Salisbury

SP1 2BP

01722 333 306

www.tpos.co.uk

Please be aware that you have up to **12 months** from the date of this email/letter to refer your complaint to the Ombudsman in writing, although it is preferable that you do so as soon as possible if you wish to pursue this matter further. I have enclosed The Property Ombudsman's Consumer Guide leaflet for your information.

Yours sincerely

_____ (*Name*)

_____ (*Job title*)