

A guide to complaining and how to access the Property Ombudsman

What we do

The Property Ombudsman (TPO) provides an impartial and independent service for resolving disputes.

Agents who are members of TPO follow our Codes of Practice which set the standards expected from property professionals.

The Ombudsman's Codes can be found on our website or can be requested directly from the agent.

Our service is free of charge to consumers, who are able to withdraw their complaint at any stage of TPO's processes.

The Ombudsman does not regulate the property industry that is the role of Trading Standards and the government. TPO's role is to provide redress for consumers, which aims to put them back into the position they were in before the complaint arose. The Ombudsman's powers do not allow TPO to fine or punish an agent.

What complaints can we consider?

- Poor or incompetent service.
- Infringement of your legal rights.
- Failure to follow the rules set for agents under TPO's Codes of Practice and membership obligations.
- Unfair treatment.

What complaints can't we consider?

- Complaints which have not previously been referred to the agent.
- Complaints against an agent who is not registered with TPO.
- Complaints being, or which have been, dealt with by a court.
- Complaints concerning alleged criminal activity and/or negligence claims.
- Complaints requiring a full legal decision and/or legal sanctions.
- Complaints referred to TPO over 12 months from the date of the agent's 'final viewpoint' letter.
- Complaints that occurred before the agent was registered with TPO.
- Complaints where the value of the claim is above £25,000.
- Frivolous or vexatious complaints.

Before you refer your complaint to TPO, you must complete the following two steps:

Step 1: Complain to the Agent

It is only fair to give the Agent the opportunity to resolve the issue.

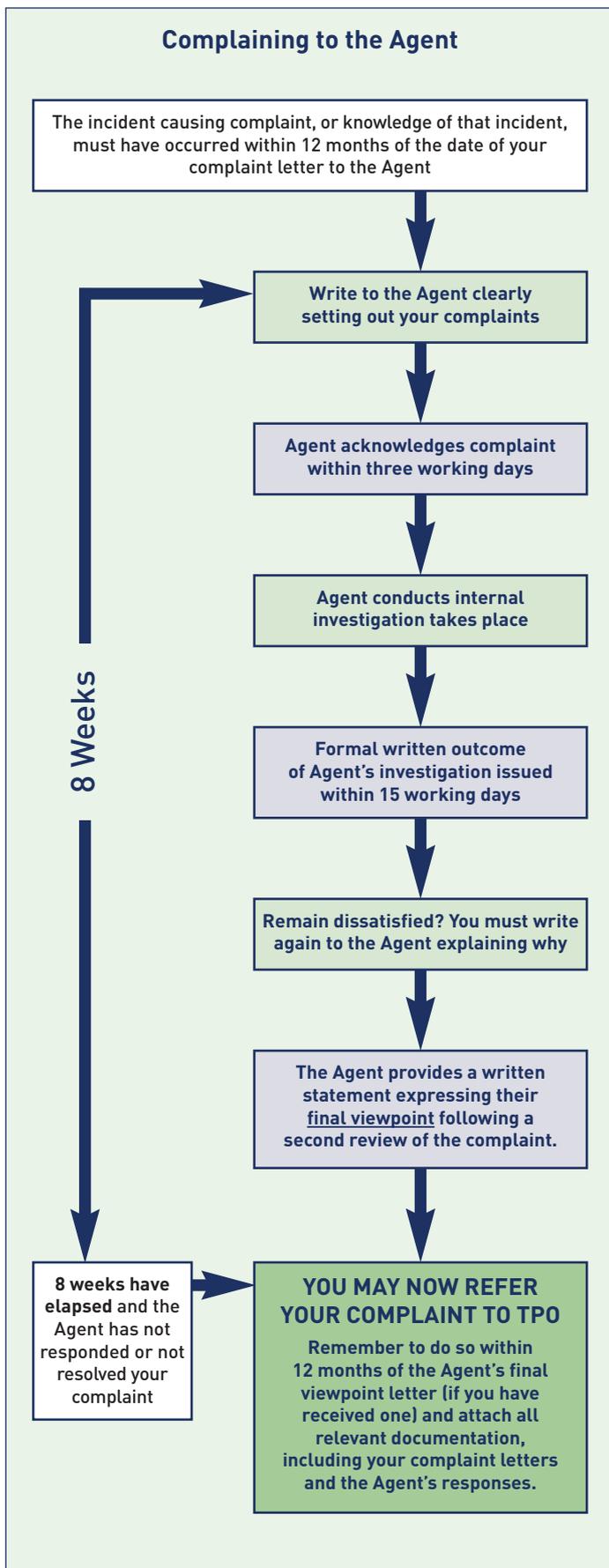
The Ombudsman cannot consider your dispute unless you have written to the Agent setting out your complaint and the Agent has either:

- a) Completed their internal complaints procedure and issued you with a final viewpoint letter, or
- b) Not responded or not resolved the matter and eight weeks have elapsed since you first wrote to complain to the Agent.

The flowchart on the following page provides details of the agent's complaints process.

Points to note:

- The Agent should provide you with a copy of their complaints procedure upon request.
- All TPO members are required to acknowledge your complaint within three working days and investigate and respond to your complaint within 15 working days.
- The Agent's complaint procedure should end with you being issued with a final viewpoint letter/email. This should also explain the Agent's TPO membership and advise that you have 12 months from the date of the correspondence to refer the matter to the Ombudsman if you remain dissatisfied.
- Tell the agent why you are unhappy, setting out (in writing) the specific act or omission you believe has occurred.
- Let the agent know what you would like them to do to resolve your complaint.
- Follow up any conversations in writing or by email, making a note of the date and time and who you spoke to.
- Keep copies of all correspondence to and from the agent.



Step 2: Referring your complaint to TPO

You must take the following steps to refer your complaint to TPO:

1. **Check the Agent is registered with TPO.** The Ombudsman can only consider complaints against TPO members who are required to display our logo on their headed paper, website and other documents. Alternatively you can check the "Find a Member" page on our website at www.tpos.co.uk or call the office on **01722 333306**.
2. Write to TPO attaching ***copies** of all correspondence (including the Agent's final viewpoint letter) and supporting evidence under a covering letter.

Upon receipt of your complaint, TPO will consider whether it falls within the Ombudsman's Terms of Reference:

- If it does we will provide you with a Complaints Form for you to complete, sign and date and return to us.
- If it does not, we will write to you explaining why and, if appropriate, signpost you to a more relevant body to assist with your dispute.

Points to note:

- You can withdraw your complaint at any stage during the TPO process.
- You are not obliged to instruct legal representation but retain the right to be represented or assisted by a third party at any stage of the TPO process.

*please ensure that you only send us **copies** of original documents and letters as it may not be possible to return originals. If you intend to supply us with recordings, under the Data Protection Act, these can only be used with the written authorisation of all parties involved.

What will TPO do when we receive your complaint?

Stage 1

First Contact – We will confirm whether your complaint has completed the agent's in-house complaint process and whether it can be considered under the Ombudsman's Terms of Reference. Alternatively, we will signpost consumers to the most appropriate party if TPO is unable to deal with the dispute.

Stage 2

Assessment and Resolution – We will consider if the dispute is appropriate for resolution without a formal review. If it is, we will contact the parties and negotiate a resolution. If it is unlikely that a negotiated resolution could be reached or the complainant rejects the proposed resolution, we will contact the agent to request their file and their formal response to the complaint, and the complainant to request any other relevant information, before progressing the case to the formal review stage.

Stage 3

Formal Review – Once we have received all of the necessary information to compile a complete complaint file, the case is allocated to a Case Officer. Following a full and impartial investigation of the complaint, the Case Officer will draft a report with recommendations for the Ombudsman.

Stage 4

Proposed Decision and Representation – The Ombudsman considers the report and issues a Proposed Decision to the unsupported party first and then the supported party. Where the case is deemed complex, this may occur after 90 days from the receipt of the complete complaint file. Each party is provided with the opportunity to accept or represent against the Proposed Decision.

Stage 5

Final Decision and Award – Following consideration of any new evidence, the Ombudsman will issue a Final Decision. If the complainant accepts the Final Decision and an award has been made, TPO will check that it has been paid by the agent. If the complainant does not accept the Final Decision, they remain free to pursue the matter elsewhere.

PLEASE NOTE: we cannot begin to investigate a complaint until such times as you the agent and any other relevant party, submit all of the information we require.

Further information

Our website contains guidance to assist you in making your complaint to the agent.

It also provides links and contact details for other organisations that may be able to assist with your complaint, if the Ombudsman is unable to consider it:

Consumer Advice Services – such as Citizens Advice and Which?

Industry Regulators – such as Trading Standards

Tenancy Deposit Schemes – covering England, Wales, Scotland and Northern Ireland

Industry Trade Associations – such as the National Association of Estate Agents and the Royal Institution of Chartered Surveyors

Consumer Associations – such as the National Landlord Association and the Residential Landlords Association

Other Ombudsmen – such as the Financial Ombudsman Service

