



Other places for help and advice

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Help for you, if we cannot accept your complaint?

This guide provides some of the resources we use to make our decisions and some other organisations and resources which may be of use to you in circumstances where we have been unable to help.

What type of complaint *can* we help you with?

At the PRS, we are authorised by the Government to deal with consumer complaints which must relate to alleged act/s or omission/s by our member under the following criteria:

- A1. Your rights have been affected or breached
- A2. You have suffered a loss due to the member not acting in line with any code of practice they have signed up to
- A3. You have suffered unfair treatment by the member; examples include:
 - A3.1 Poor or incompetent service
 - A3.2 Rudeness or discourtesy
 - A3.3 A lack of clear explanation
 - A3.4 Not completing a transaction efficiently or as reasonably expected
 - A3.5 Avoidable delays in delivering agreed or expected service/s

What happens if we are unable to accept all or part of your complaint?

In these situations, we will provide you with the reasons why and where possible, will point you towards organisations or resources to help you find the right information.

For more information on our authority and the type of complaints we can and cannot accept, please see our Terms of Reference and Conditions of Complaints in the key document section of our resources here for consumers and here for agents

What are the common complaints that we are unable to deal with?

We do not have the authority to:

- deal with any breaches of the tenancy agreement by the tenant where the landlord is making the complaint. While a landlord may have/has losses, it is the tenant who is responsible for any breach of the tenancy agreement and the agent cannot be held responsible. In these circumstances, a landlord should contact the relevant government authorised tenancy deposit protection scheme or take independent legal advice, to make a claim for damages:

myd <https://www.mydeposits.co.uk/>

TDS <https://www.tenancydepositscheme.com>

DPS <https://depositprotection.com>

- assess any breach of data protection regulations by the agent. It more appropriate for this part of the complaint to be dealt with by the Information Commissioner's Office <https://ico.org.uk/make-a-complaint/>
- take regulatory or legal action against an agent, impose fines or dictate the way agents conduct their business This may be more appropriately dealt with by the local trading standards <https://www.gov.uk/find-local-trading-standards-office>, relevant codes of practice or taking independent legal advice
- deal with a complaint where no formal complaint raised with member – see 'The right way to make a complaint' [PRS resources – here](#)
- deal with a complaint that would be more appropriately dealt with elsewhere – court, tribunal
- deal with a complaint if the complainant is not a consumer, e.g. a neighbour of the consumer - Local council, legal advice, environmental health [link] <https://www.gov.uk/find-local-council>

You have the option of taking independent legal advice for the following less common complaints we are also unable to accept. This will be in situations where your complaint:

- lacks supporting evidence (the CAB would also be an option - see below)
- alleges discrimination
- alleges criminal activity
- is asking for compensation over £25,000

Organisations that can help if your complaint relates to a leasehold property:

Leasehold Advisory Service <https://www.lease-advice.org/advice-guides/>

Redress for leasehold consumers www.lease-advice.org/wales-page on redress for leasehold matters

Organisations for general information:

Shelter https://england.shelter.org.uk/housing_advice

Citizens Advice Bureau <https://www.citizensadvice.org.uk/housing/>

Tenant Fees Act 2019 (TFA) <https://www.legislation.gov.uk/ukpga/2019/4/contents/enacted>

.....and guidance

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/922900/Tenant_Fees_Act_-_Tenant_Guidance.pdf

House in Multiple Occupation <https://www.gov.uk/private-renting/houses-in-multiple-occupation>

Housing Ombudsman <https://www.housing-ombudsman.org.uk/residents/make-a-complaint/>

Banning Order Offences under the Housing and Planning Act 2016 -

<https://www.gov.uk/government/publications/banning-orders-for-landlords-and-property-agents-under-the-housing-and-planning-act-2016>

| <u>Professional guides used by the PRS</u> | |
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| Letting agent resources | <p>Guidance for Lettings Professionals on Consumer Protection Law (2014) consumer-protection-guidance-for-lettings-industry</p> <p>Private Rented Sector Code of Practice (2015) rics.private-rented-sector-code-1st-edition</p> <p>Tenant Fees Act 2019 Tenant Fees Act</p> |
| Estate agent resources | <p>Guidance on Property Sales NTSEAT guidance on property sales Apr 19</p> |
| Residential leasehold management agent | <p>Service charge residential management Code and additional advice to landlords, leaseholders and agents rics.code-3rd-edition.2016</p> |
| All | <p>Consumers Rights Act 2015 part 1/chapter 4 services part 2/Unfair terms part 3/chapter 3 Duty of letting agents</p> <p>Consumer Protection from Unfair Trading Regulations the CPRs 2008 CMA guidance updated 2015</p> <p>Guidance of transparency of fees involving property sales https://www.nationaltradingstandards.uk/site_assets/files/Guidance%20for%20EABSs.pdf (although 'sales' is in the title, it also applies to lettings)</p> |