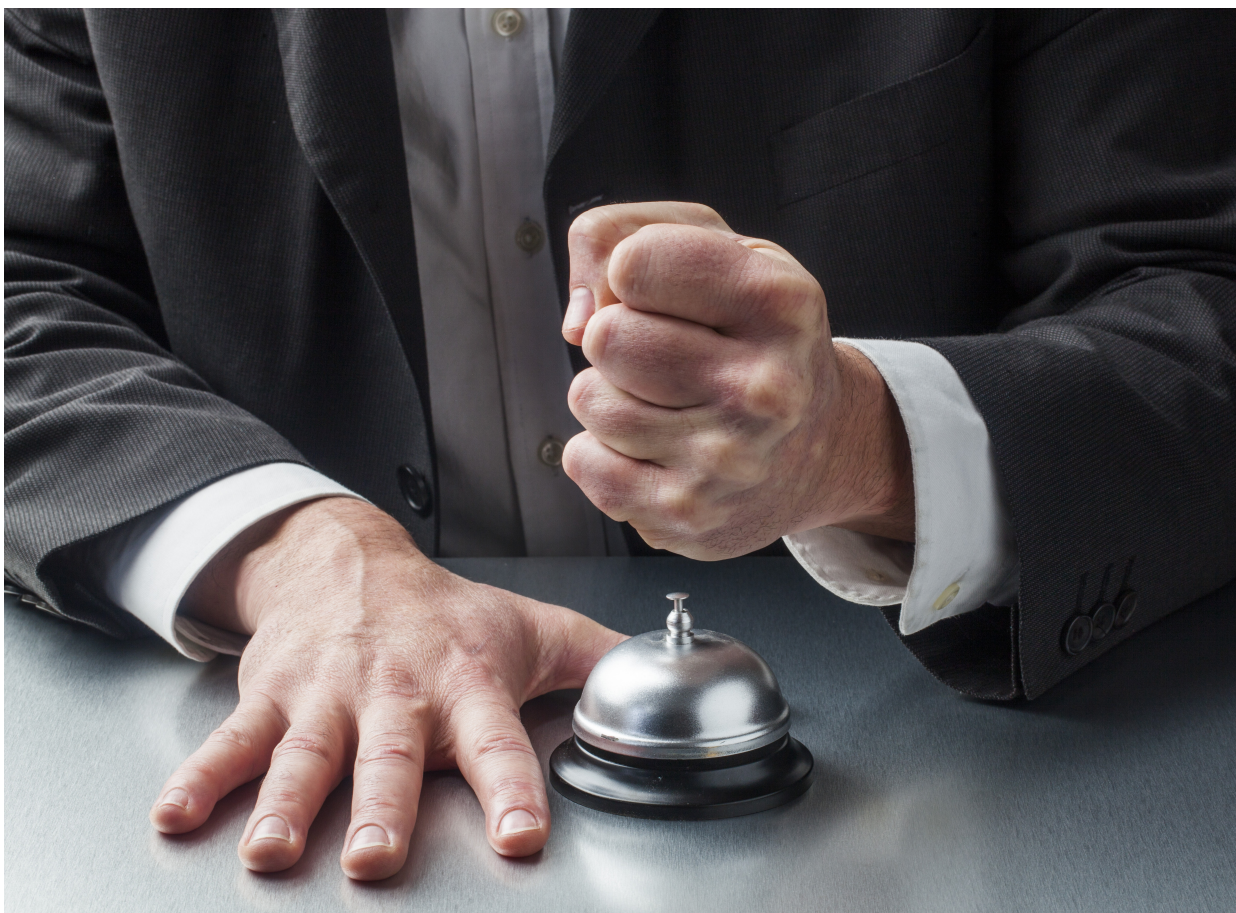


Making a Complaint to the Property Redress Scheme



**The Property Redress Scheme is a government authorised
Consumer Redress Scheme for Lettings, Property Management
and Estate Agents and other Property Professionals**

Authorised By



Department for
Communities and
Local Government

Making a Complaint to the Property Redress Scheme

In order to be able to raise a complaint through the Property Redress Scheme, there is a set of criteria which must first be met:

1. The Company must be a Member of the Property Redress Scheme. You can check on the 'Find an Member' section of our website.
2. You must show that you have tried to resolve the matter with the Member first and has allowed a minimum of 8 weeks after making a complaint for the Member to respond.
3. After the Members final response to the complaint or after you have waited 8 weeks and have not received a response, a complaint can be made to the Scheme within 6 months.
4. If you have not tried to complain directly to the Member or if you have not waited for the above timescales then we will ask you to do so.

Raising the Complaint

Once the above criteria have been met, you are able to raise a complaint about the Member with us.

The complaint can be raised using our Complaint Form. When completing the form, you must outline all the reasons why you are raising the complaint, the actions he has taken and include evidence such as copies of communications received from and sent to the Member, including any settlements offered.

Accepting the Complaint - Criteria

We can only consider a complaint if it is in relation to the act or omission of the Member, and falls under the following criteria:

- a) A breach of the Member's obligations under the law;
- b) When legal rights have been impinged or breached by a Member
- c) When an Member has not acted in accordance with a Code of Practice it has signed up to
- d) When an Member has not administered a transaction as efficiently as would be expected.
- e) Unfair treatment of the complainant by the Member; including, but not limited to:
 - i. Rudeness or discourtesy
 - ii. Not explaining matters
 - iii. Poor or incompetent service
 - iv. Avoidable delays
- f) The Member's actions must have resulted in the complainant suffering a financial loss, or unnecessary aggravation, distress and/or inconvenience.

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Acceptance of the Complaint - Process

On acceptance of the complaint, we will inform the Member and they will be given the opportunity to resolve the complaint directly with you within 10 working days. We will generally be available to assist the parties during this period.

If the complaint has not been resolved within the 10 working days, the Case Assessor proceeds as per the Complaints Process Schedule below which includes allowing some further time if in his opinion this will assist the parties to come to a resolution. The Case Assessor will prepare a Resolution Plan if he believes the parties will need assistance in resolving the matter and communicate the Plan to all parties. The plan will include the collation of the file and all relevant evidence, and set out our attempts to resolve the matter.

Generally, this process will take less than 25 working days. If at the end of the resolution plan there is no resolution to the complaint, the file will be passed to an Ombudsman. The Ombudsman will make a decision within 20 working days unless he requires more time at which point he will inform the parties and give an indication of when the decision will be ready.

Rejecting a Complaint

We may not investigate a complaint or shall discontinue the investigation of a complaint if:

- at any time it appears it is more appropriate for the complaint to be dealt with by a Court or under another independent complaints, conciliation or arbitration procedure
- the complaint is already being or has been considered by a Court, or under another independent complaints, conciliation or arbitration procedure.
- the complaint does not have a reasonable prospect of success or is considered to be frivolous or vexatious.

If the other resolution body is not considering all aspects of the complaint or if that body is not designed to offer financial compensation to you, the Ombudsman may then resume his consideration of the complaint. In all cases, we will provide you with a full written reasons of the decision.

Making a Decision

The Ombudsman may request further evidence. If a request for information or evidence is made and you or Member does not respond within the period set out, the Ombudsman will not be compelled to consider any information or evidence provided late.

He will make his decision based on the evidence provided and any relevant Code of Practice connected with the Member, terms and conditions agreed by the parties, the law (including consumer law) and also what is fair just and equitable in the circumstances of the specific case in question.

The burden of proof for any decision made will be on the 'balance of probabilities'.

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The Ombudsman may also request the parties attend at a face to face hearing or mediation if he feels that is the best way to resolve the complaint.

If, after analysing the complaint and evidence provided by both parties, the Ombudsman believes he is unable to make a decision on the complaint then he will explain to the parties that he cannot make a decision and give his reasons why.

You will have 15 working days to accept or reject the decision.

If you agree with the decision made by the Ombudsman, the decision will be delivered to the Member who will need to take appropriate action within the timescales held against him, if applicable.

However, if you make the Scheme aware that you do not agree with the decision made by the Ombudsman within 15 working days of the notification or do not respond within the 15 working days, the complaint file will be closed and you will need to seek further redress through the courts.

The decision made by the Ombudsman, if agreed by you, is final and binding and the Member must adhere to decision of the Ombudsman.

Awards

When making the decision, the Ombudsman may make an award consisting of one or more of the following:

- a) an apology
- b) an explanation
- c) practical action to mitigate any detriment
- d) reimbursement of actual loss and/or costs incurred
- e) a payment in recognition of time and trouble taken to make the complaint
- f) a payment, where appropriate, for distress
- g) other appropriate action suggested by the complainant or decided by the Ombudsman

Any compensation payment will be calculated based on demonstrable loss or costs and will take into account any degree to which the complainant has contributed to the failure or loss suffered.