

Oral hearing

Any request for an oral hearing will be considered by the Ombudsman (or his appointed deputy), by reference to the nature of the issues to be determined and in particular the extent to which the complaint raises issues of credibility or contested facts that cannot be fairly determined by reference to documentary evidence and written submissions. In deciding whether there should be a hearing and, if so, whether it should be in public or private, the Ombudsman will have regard to the provisions of the European Convention on Human Rights. The Ombudsman will give reasons in writing, if he declines to grant a hearing.

Complaints about our service to you

If you are dissatisfied with the way in which we have handled your complaint, we will explain the options available to you.

Accessibility

The TPO is accessible to everyone who has a complaint concerning the service provided by estate agents who have joined the TPO scheme that fall within the Ombudsman's remit. If you have a particular need in the way in which we need to communicate with you, please tell us and we will do our best to help, depending on your needs.

Frequently asked questions

There is a list of frequently asked questions on our website. (Note that this document is not available in hard copy form but much of the information is covered in the Consumer Guide given to you by the agent). This includes answers covering the way in which we deal with cases, on what happens when we have reached a proposed decision and what action is open to you at that stage. You should refer to www.tpos.co.uk

The Property Ombudsman:

A free, fair and independent service for buyers and sellers of residential property



If you need any more information or advice you should contact:

The Property Ombudsman

Beckett House
4 Bridge Street
Salisbury
Wiltshire
SP1 2LX

Telephone: 01722 333306
Facsimile: 01722 332296
Website: www.tpos.co.uk
E-Mail: admin@tpos.co.uk

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Complainants Charter

What happens next?

Now that your complaint has been received by The Property Ombudsman and you have provided all your documents and statements in support of your complaint, we will seek to resolve your complaint with the agent in full and final settlement. We will do this by looking at both sides of the dispute based upon the information that each of you has provided. Our decision will be sent to you in writing. If it is possible, we will try and settle the matter by mediation, in other words helping you and the agent towards an agreed settlement.

If the decision is in your favour, then we may make an award of compensation to reflect any financial loss you have actually suffered and any associated aggravation, distress and/or inconvenience. However, awards are not 'fines' on the agent but simply compensation for you. The Ombudsman's current limit for awards is £25,000. The Ombudsman can direct the agent to take a certain course of action to rectify matters which might include offering an apology to you, or encouraging the agent to revise his procedures or practices, such that future failings are eliminated.

Our commitment

Our commitment to you is to:

- Aim to provide you with our proposed decision within **16 - 18 weeks** of taking of your complaint forward.
 - Acceptance of your complaint; notification to you of the complaints process; request the agent's file: **4 weeks**.
 - Allocation to and consideration by a case officer and referral to the Ombudsman: **6 - 8 weeks**.
 - Case review and proposed decision, to include notification to the unsuccessful party and representation process: **6 weeks**.
- These time frames may differ depending on the quantity of complaints we hold.
- Keep you informed of the progress we have made and whether we need any more information from you.
- Tell you if we need more time and why.
- Deal with the matter impartially and fairly.

Our handling of the complaint

In practice, it is a case officer who will consider the complaint and will bring about the resolution, but the final decision will always be made by the Ombudsman and notified to you in writing. Because each case officer has a large number of cases in progress at any one time, we ask that you keep enquiries about your complaint to a minimum.

We will keep you informed of progress on a regular basis, but if you do need to contact us, we would prefer to receive an e-mail from you. If you do want to speak to us, you should **contact a member of the case support team at our office. Telephone contact number 01722 333306 and select option 2.**

We ask that you tell us of any further information relating to the complaint that comes to light and that you reply to any questions from the case officer within the timescales requested. If you need more time for any reason, then please let us know.

A copy of your complaints form and supporting documents will now be sent to the agent. We will ask for his file and expect to receive the file within 4 weeks. Once the file is received, we will be ready to allocate your complaint to a case officer.

Resolution

The Ombudsman will write to you with his proposed decision. It will explain his understanding of your complaint and give you reasons for his decision. You will also receive a copy of the agent's submission and any supporting documents that you may not have previously seen that are relevant to the Ombudsman's proposed decision. Your options will then be:

- 1 to comment on the findings (we call this the representation process); or
- 2 to accept the proposed decision.

If you would like to make any comments about the proposed decision, please do so in writing. If the Ombudsman considers that your comments change the outcome of his proposed decision, he will pass your comments to the agent to allow him the opportunity to respond.

The Ombudsman will then consider all additional information and issue his final decision.

If you accept the decision, it is binding on you and the agent and your complaint will be resolved in full and final settlement of the dispute and we will close our file.

If you reject the decision, it is not binding on the agent. In either case, that is the end of the matter and we will close our file. By bringing a complaint to the Ombudsman, your legal rights are not affected and you are free to pursue your complaint through the Courts, if you wish to do so.

If we do not hear from you within 28 days, (unless there are exceptional circumstances), the complaint will be closed.

Further Information:

Goodwill offers

If the estate agent has made you any form of financial offer on a goodwill basis, you should be aware that that offer has now lapsed on referral of your complaint to this office. When reaching his conclusion, the Ombudsman may decide that your complaint succeeds; however, his award may be the same as the offer made, less or indeed more. If the Ombudsman does not support your complaint, the agent is not required to reinstate the goodwill offer. If you wish to reconsider accepting the agent's offer of settlement, please contact this office and we can discuss the issue with you. Any acceptance by you will be in full and final settlement of your complaint and the Ombudsman will take no further action.

Estate agent's fees

If you refuse to pay the agent's fees, the agent has the legal right to take you to Court. Some agents may be prepared to wait until the Ombudsman has reviewed your complaint, no agent is obliged to do so. If you do not pay the fees and the agent commences legal action, the Ombudsman will suspend his review pending the Courts decision. The Ombudsman will then only be able to consider aspects of your complaint not considered by a Court of law. Accordingly, there is an expectation that you will pay the fee, or any uncontested part of it, on a "without prejudice" basis if appropriate, to avoid legal action being taken by the agent.