



COMPLAINTS GUIDANCE

As a Trade Body we do not investigate complaints against our member firms and all ARMA firms must offer access to one of the two Government approved independent ombudsman scheme, which is a legal requirement, where unresolved disputes can be addressed, free of charge to consumers. This means complaints are handled independently and leaseholders can be confident that there is no bias.

The approved schemes are: the Property Redress Scheme, and the Property Ombudsman.

Further help and advice

The Leasehold Advisory Service is a government funded body who are able to assist you. They provide free information, initial advice and guidance to members of the public about residential leasehold. They are independent and impartial, and all of their advisers are legally qualified.

Tel: 020 7832 2500 Website: <https://www.lease-advice.org/>

OMBUDSMAN COMPLAINTS

What kind of complaints will the ombudsman investigate?

- Lack of communication
- Failure to respond to reasonable requests for information
- Not delivering promised action or services
- Disputes over contractual matters between managing agents and their clients
- Issues relating to management handovers
- Accounting matters (**excludes challenging service charges/estate charges**. These are suitable for instead referral to the First-tier Tribunal (Property Chamber).)
- Clear and proven breaches of the RICS Service Charge Residential Management Code.
- If you have been to court about your complaint, or any part of it, the ombudsman will need a copy of the judgement to see if they can do their review. If they can, they will only consider the elements the court didn't cover. For example, if the court case was about an unpaid fee, they can still review the service you received from the agent if it was not included in your defence.

Are there any issues that the ombudsman won't take on?

The ombudsman can exercise discretion but usually will not be able to deal with complaints that:

- Relate to managing agents who are not members of their scheme
- Have not exhausted the eight-week period through the member's in-house complaints procedure (and, where appropriate, independent mediation if it has been offered)
- Relate to property owned or controlled by a residents' management company where the member can demonstrate the board of directors are content with their services - although any instructions from this board must have been lawful and proper
- Require the interpretation of leases where the parties to a lease are in dispute over such interpretation
- Relate to insurance issues that fall under the jurisdiction of the Financial Conduct Authority
- Are sub-judice
- Are subject to the jurisdiction of the Courts or Tribunals on matters of fact, reasonableness, financial recovery or compensation.
- **Service charges/estate charges/ground rent/administration charges** - If your issues relate to any of these matters including reasonableness of expenses paid from services charges and whether these can be charged to leaseholders are usually only be suitable for referral to the First-tier Tribunal (Property Chamber). You may find it helpful to visit their website for further information: www.justice.gov.uk/tribunals/residential-property.

What if my complaint is not suitable for referral to the ombudsman?

The Leasehold Advisory Service will be able to assist you with **further guidance and advice**. Tel: 020 7832 2500. Website: <https://www.lease-advice.org/>

BEFORE YOU COMPLAIN

It is worth confirming who the landlord is and who has overall responsibility for the management of your property. If it is a Residents' Management Company (RMC) or a Right to Manage Company (RTM), then you should take up any issue with the directors of the RMC or RTM first in most cases. It will help in the long run if you are able to demonstrate that the directors support the complaint.

HOW TO MAKE A COMPLAINT

Please note the process covered in Step 1 and Step 2 below refer to Ombudsman complaints only.

STEP 1: Follow the member's in-house complaints procedure

If you are not happy with the service you have received from an ARMA member then you should first of all ask for a copy of their in-house complaints procedure.

Complaints are then required to be dealt with internally by the member firm either by their complaints department or a designated individual. How this will be dealt with and time scales will be detailed on their in-house complaint's procedure.

Members have eight weeks to resolve the complaint under the ombudsman rules. The ombudsman will only investigate complaints which have initially gone through the member's own in-house complaints procedure, so it is important to undertake this in the first instance.

It is a condition of ARMA membership that firms must have a published complaints procedure and make it available when requested. If your managing agent is refusing to provide their complaints procedure, then you should contact ARMA by emailing us at info@arma.org.uk. Alternatively, you may go directly to the relevant ombudsman.

STEP 2: Go to the member's ombudsman

If the member fails to address or resolve the issues within the eight-week period, then you should contact the member's ombudsman.

If the dispute is "deadlocked" (i.e. the agent has issued their final decision or confirmed in writing that they will not deal with the matter further) the complaint can be taken directly to the ombudsman at that time although still within the eight-week period. From receipt of the agent's final decision/deadlock letter, a period of 12 months is allowed for the dispute to be taken to the ombudsman/redress scheme.

How can I find out which ombudsman my managing agent is signed up to?

This should be made clear on the member's complaints procedure. If not, you can find out by visiting our search for a member page and looking up your managing agent and this will detail which ombudsman scheme they are registered with. Members may belong to one of two ombudsman schemes detailed below:

The Property Ombudsman Limited (TPO)
Milford House
43-55 Milford Street
Salisbury SP1 2BP
01722 333306
admin@tpos.co.uk
www.tpos.co.uk

Property Redress Scheme (PRS)
Ground Floor, Kingmaker House
Station Road
New Barnet
Hertfordshire EN5 1NZ
Tel: 0333 321 9418
info@theprs.co.uk
www.theprs.co.uk