

Consumer Guide

Providing a free, impartial and independent service for the resolution of unresolved disputes between consumers and PCCB-registered organisations.

What we do

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

The Property Codes Compliance Board (PCCB), Council of Property Search Organisations (CoPSO) and Invasive Non-Native Specialists Association (INNSA) are members of TPO and have agreed Codes of Practice which set the standards expected from PCCB-registered organisations.

The PCCB Codes of Practice can be found on their website or can be requested directly from the PCCB-registered organisation.

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 search or invasive non-native species industries. That is the role of the PCCB, Trading Standards and the government. Her 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 the Ombudsman to fine or punish a PCCB-registered organisation.

What complaints can we consider?

- ✓ Poor or incompetent service.
- ✓ Infringement of your legal rights.
- ✓ Failure to follow the rules set for PCCB-registered organisations by PCCB Codes of Practice and registration obligations.
- ✓ Unfair treatment.

What complaints can't we consider?

- ✗ Complaints, which have not previously been referred to the PCCB-registered organisation.
- ✗ Complaints against an organisation which is not registered with PCCB.
- ✗ 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 registered organisation's 'final viewpoint' letter.
- ✗ Complaints that happened before the organisation was registered with PCCB.
- ✗ Complaints where the value of the claim is above £5,000.
- ✗ Frivolous or vexatious complaints.

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What happens if I have a complaint?

The Ombudsman must allow the registered organisation the opportunity to resolve the issue themselves. Accordingly, you must:

1. Tell the organisation why you are unhappy, setting out (in writing) the specific act or omission which has given rise to your dissatisfaction.
2. Let the organisation know what you would like them to do to resolve your complaint.
3. Follow up any conversations in writing or by email, making a note of the date and time and who you spoke to.
4. Keep copies of all correspondence to and from the organisation.

What should the organisation do?

All PCCB-registered organisations are obliged to maintain and operate an in-house complaints procedure. The procedure must be in writing and explain how to complain to the firm and if you remain dissatisfied to the Ombudsman.

The key points they must adhere to are:

- Provide you with a copy of their complaints procedure on request (this may be available on their website).
- Abide by the timescales set out in the PCCB Codes of Practice.
- Produce their final viewpoint letter if they cannot resolve your complaint.

When can you refer your complaint to us?

We can consider complaints:

- Once you have received the organisation's final viewpoint letter, and you remain unhappy; or
- If 20 working days have passed since you first complained and the organisation has not advised you that it requires more time to consider your complaint; or
- If 40 working days have passed since you first complained and the issues remain unresolved.

Please see Appendix: *"Customer Complaints Process"*

What will TPO do when we receive your complaint?**Stage 1**

First Contact - We will confirm whether your complaint has completed the registered organisation'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 attempt to negotiate a resolution. If it is unlikely that a negotiated resolution could be reached or you reject the proposed resolution, we will contact the organisation 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.

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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 to contain complex elements, 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 organisation. If the complainant does not accept the Final Decision, they remain free to pursue the matter elsewhere.

Further information

Our website contains guidance to assist you in making your complaint to the registered organisation

It also provides links and contact details for other bodies 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

Industry Trade Associations – such as CoPSO or INNSA

Other Ombudsmen – such as the Financial Ombudsman Service

Contact us:

The Property Ombudsman
Milford House
43-55 Milford Street
Salisbury
Wiltshire
SP1 2BP

Tel: 01722 333306

Fax: 01722 332296

Email: admin@tpos.co.uk

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