

Section 1: Introduction

About this guide

This guide has everything you need to know about complaining to The Property Ombudsman about your property search provider (we'll call them 'the search provider' or 'search providers' from now on). It gives details of when we can help, how we can help and what you can expect.

The guide covers the whole process, so there will be some sections that are not relevant to you at the moment. But whatever stage you're at, there is information to help you.

About The Property Ombudsman Scheme

The Property Ombudsman Scheme is a free and impartial service that resolves disputes between consumers and search providers fairly. Schemes like ours are sometimes called 'redress schemes'.

We provide redress for search providers who are registered members of Property Codes Compliance Board (PCCB) and The Council of Property Search Organisations (CoPSO).

We look at evidence of disputes from both consumers and search providers. We use the Code of Practice for Search Compilers and Retailers to help us decide whether the search provider has acted fairly and in line with the core principles of the CoPSO Search Code. The code can be found on the PCCB website at www.pccb.org.uk and the CoPSO website at www.copso.org.uk. We also use best practice and common sense to help us come to a fair decision.

We sometimes work to resolve disputes for other types of organisations, in which case different codes may apply. Please call us on 01722 333306 for more information.

Resolution not regulation

We offer you a straightforward way to address poor service from search providers. That means we can recommend a search provider takes specific steps to resolve a dispute – for example paying you compensation if we think it's appropriate.

However, we are not regulators for the property industry. That is the role of Trading Standards and the government. We:

- do not have the authority to fine or punish search providers
- cannot take legal action against search providers
- are not bound by the same rules that apply in court
- cannot legally force search providers to pay compensation
- cannot dictate how search providers do business

If search providers don't follow the code of practice and recommendations, we can't make them; however, PCCB and CoPSO can take disciplinary action where required.

Complaints we can help with

We can consider your complaint if the search provider is a member of PCCB or CoPSO and has failed to:

- display the Search Code logo prominently on their search reports
- act with integrity and carry out work with due skill, care and diligence
- at all times maintain adequate and appropriate insurance to protect consumers
- conduct business in an honest, fair and professional manner
- handle complaints speedily and fairly
- ensure that products and services comply with industry registration rules and standards and relevant laws

Complaints we cannot help with

We cannot consider complaints about solicitors or conveyancers – only search providers.

We will not be able to consider your complaint if:

- the search provider is not a member of PCCB or CoPSO
- it is about something that happened before the search provider joined PCCB or CoPSO
- you have not complained to the search provider first
- it has been longer than 12 months since you had the search provider's final response to your complaint (their 'final viewpoint letter')
- it's being, or has been, dealt with in court
- it's about alleged criminal activity or negligence claims
- it needs a full legal decision, a penalty or other legal action
- the compensation you ask for is more than £5,000

What you need to know before you get started

How long the review takes

If we accept your complaint for review, it can take between three and five months to complete the process. This is because we have to gather all the information we need from you and the search provider before we can start.

If your case is going to take longer than 90 calendar days to review from the date we have what we need, we will write to let you know.

You can withdraw your complaint whenever you like

We'll always keep you up to date if there are any delays to your review. If the timescales don't work for you, or you change your mind, you can withdraw your complaint at any time. You just need to let us know if you want to do that.

Section 2: Making sure we're accessible for everyone

We do our best to make sure everyone can use our complaints process easily. Whether that's making our documents accessible or adjusting how we review your complaint.

Offering information in accessible formats

If you need us to communicate with you differently or in a specific format – like Braille or large print for example – please let us know. We can also help you fill in the paperwork you need to pass your complaint to us. For more details, call us on 01722 333306 or email access@tpos.co.uk.

Making our website easier to read

If you want to know how to make our website easier to read on your computer, go to www.tpos.co.uk/accessibility.

Section 3: How to make a complaint

Stage 1 – complain to the search provider first

The first thing to do is write to or email your search provider, if you haven't already. It's only fair to give them the chance to respond to and resolve any complaints you have about them. Search providers are allowed 40 working days to try to resolve your complaint.

After that, we can start to help you with your complaint when:

- the search provider has taken you through their internal complaints process and sent you a final viewpoint letter – and you are not satisfied with their reply
- the search provider has not responded to or resolved your complaint within 40 working days of your original letter or email to them, and you have chased them for a response

What the search provider should do

Search providers must have an in-house complaints process. They have to make it available in writing and it must explain how you can complain to them and, if you are not satisfied with their response, to us. This may be on their website.

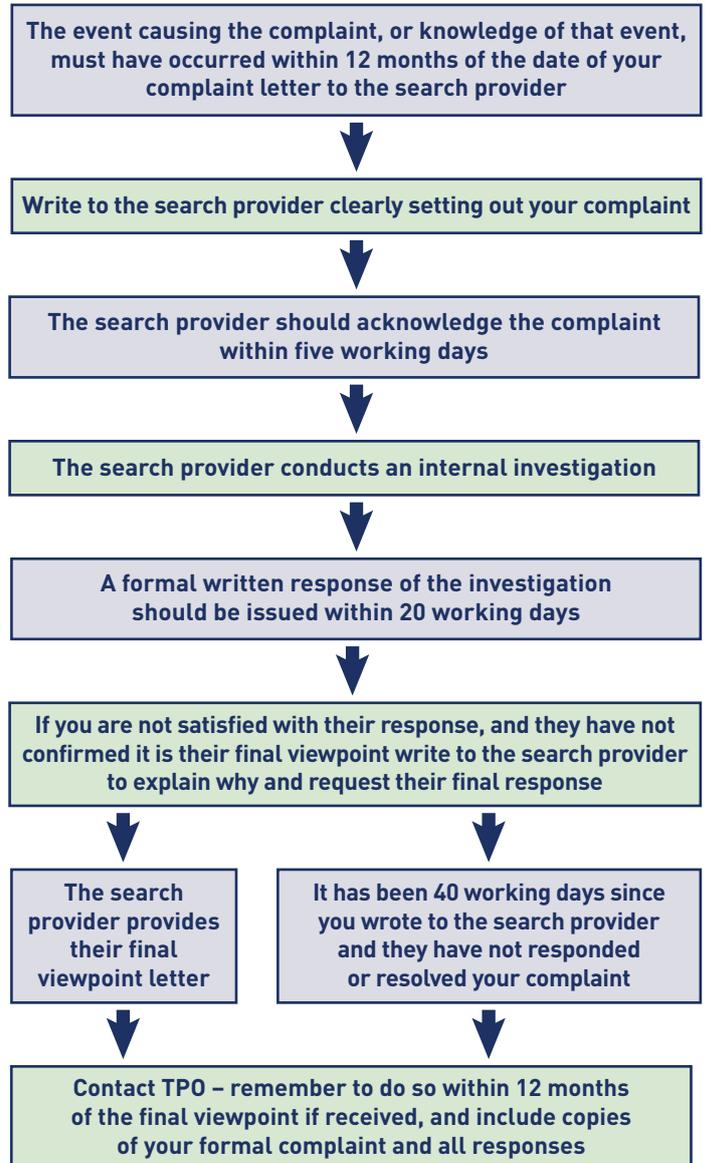
If you complain about their service, all members of our scheme have to:

- acknowledge your complaint within five working days
- investigate and respond to your complaint within 20 working days
- review your complaint again if you tell them you're not satisfied (if they have more than one stage to their complaints process)
- send you a final viewpoint letter or email when they've come to the end of their complaints process

Their final viewpoint letter or email should explain how to escalate your complaint to our scheme. It should also let you know you have 12 months from the date of their letter or email to contact us if you're not satisfied with that response.

Have a look at the following flowchart for more on how it works.

Complaining to the search provider



A few tips for your complaint to the search provider

- **Ask the search provider for a copy of their complaints process** if they haven't sent it to you already. That way you know what to expect from them. They have to send it to you when you ask.
- **Write to the search provider, clearly explaining why you're complaining.** Include specific details about what you believe they have or haven't done, and what you would like them to do to put things right. A template is available on our website at www.tpos.co.uk/consumers/how-to-make-a-complaint.
- **Keep good records.** Follow up any conversations you have with the search provider with a letter or email confirming what you spoke about, with who and when. Send any letters by recorded delivery or set a delivery receipt if you email them. Also keep copies of all letters and emails to and from the search provider.

How it works

You need to complain within 12 months of the event you want to complain about – or the date you found out about that event.

- Write to the search provider, clearly setting out your complaint
- The search provider must acknowledge your complaint within five working days
- The search provider must investigate your complaint fully
- The search provider must write to you about what they found in their investigation within 20 working days
- If you're not satisfied with the search provider's response, and there is more than one stage to their complaints process, you need to write back to them explaining why
- The search provider must review your complaint again, then send you their final response – their 'final viewpoint letter'
- If it's been 40 working days since you first wrote to the search provider and they have not responded to your complaint or chasers, or they have not resolved your complaint
- You can now contact us about your complaint

Get in touch with us within 12 months of the search provider's final viewpoint letter or email (if you received one) and attach the relevant documents, including your complaint letters and the search provider's responses.

Stage 2 – contact us if the search provider doesn't resolve your complaint

If the search provider hasn't resolved your complaint to your satisfaction within 40 working days of the date you first wrote to them about it, we may be able to help.

Before you get in touch with us

Check the search provider is registered with PCCB or CoPSO. You can:

- check the search provider's headed paper, website and other documents for the TPO logo – they have to display it if they're a member.
- check pccb.org.uk
- check copso.org.uk
- check the search report for the TPO logo

Time limits for getting in touch

You have 12 months from the date of the search provider's final viewpoint letter (if you received one) to contact us about your complaint. If you didn't get a final viewpoint letter, you have 12 months from the date you first wrote to the search provider. So it's a good idea to gather all the information you need and send it to us as soon as you can.

We can consider your complaint if you first wrote to the search provider within 12 months of the event you have complained about – or the date you could reasonably have found out about it.

When you write to us

Please write to us at The Property Ombudsman, Milford House, 43 – 55 Milford Street, Salisbury, Wiltshire, SP1 2BP.

Or you can email us at admin@tpos.co.uk.

Give all the relevant details about your complaint. Please include copies (not originals) of your complaint letters to the search provider and their replies, including their final viewpoint letter (if they sent one). If we need any other documents later on, we will let you know.

When we hear from you, we will confirm whether your complaint has gone through the search provider's complaints process, and whether we can help you under our Terms of Reference.

If we can help

You'll need to fill in a Complaints Form.

If you have already sent us enough information, we may be able to complete the form before we send it to you. If we can, we'll ask you to just check the details, sign and return it to us at The Property Ombudsman, Milford House, 43 – 55 Milford Street, Salisbury, Wiltshire, SP1 2BP.

If we can't complete the form for you, we will send you a copy to fill in, sign and return to us.

You'll find some guidance on the form to help you fill it in. Please give as much detail as you can. It's really important you give a clear statement about why you are complaining, and send us all the documents that support your case – including a copy of the search involved – if you haven't already. Usually we can only look at a complaint if you have written evidence to support it and you have already raised it with the search provider.

Sending us your evidence

Please send your complaint letters and emails, and the search provider's responses, to us as soon as you can. When you do, please keep the originals and only send copies as we are not responsible if they get lost or delayed in the post. Also, we cannot send your documents back to you. You can email your copies to us at admin@tpos.co.uk if you prefer.

If we do need to see an original document (for example a document with a court stamp) we will let you know.

If you want to send us recordings, please make sure you have written permission from all the parties involved or we won't be able to use them. This is in line with the General Data Protection Regulations 2018.

We will keep you up to date

When we deal with your complaint, we will keep you updated. We will also let you know if we need more information from you or if we have asked the search provider or a third party for more details.

If we can't help

If, from the information you give us, we are unable to help with your complaint, we will write to tell you why. We will also let you know what you can do next and the organisations that can help you with your complaint.

If you have any new information that we have not seen, please send it to us as it may mean we can help.

Stage 3 – working together to settle the dispute early

We always encourage consumers and search providers to try to come to an agreement. If you haven't been able to do that between you, we will do our best to help.

We will try to negotiate an early resolution

If we think your dispute can be settled without a formal review, we will work with you and the search provider and try to find a solution that works for you both.

You do not have to accept the outcome at this stage, and your complaint can still go to a formal review.

If you get a goodwill offer

Sometimes our initial negotiations can bring about a goodwill offer from the search provider in an effort to put things right. You don't have to accept the amount they offer you, but as soon as we go to formal review their offer expires.

If you reject their offer and we do a formal review, there is no guarantee our decision will include awarding you compensation. If it does, the offer could be higher than, the same as or less than the search provider's previous offer. If we decide we do not support your complaint, the search provider doesn't have to make or reinstate any offers.

If you're not sure whether or not to accept a goodwill offer, please call us on 01722 333306. We will be happy to tell you more about your options.

If you can't agree a way forward

If we can't come to an agreement that works for you and the search provider, we will do a formal review. There's more about this in Stage 4.

Making a complaint

- Write to the search provider within 12 months of the event you want to complain about or the date you found out about it. They have 40 working days to try to resolve the complaint with you.
- If you don't hear from them and you have chased the complaint, or you are not satisfied with the outcome of their investigation, contact us.

The complaints process

- We will assign your complaint to an Evaluation Advisor who will assess the evidence you send us.
- Depending on the information, we will either let you know how to complete the search provider's complaint process or pass your complaint to one of our Resolution Advisors. We'll contact you as soon as we have considered all the evidence you have sent us.

Early Resolution

- Your Resolution Advisor will assess your evidence and try to settle the dispute without a formal review.
- If your complaint can't be settled informally, we will do a formal review.
- We will contact you as soon as we have considered all the evidence for this.

Starting the review process

- Your Case Management Officer will write to the search provider to ask them for their company file. They will also write to you to let you know.
- The search provider has 21 days to send us their file and, if necessary, a 'submission letter' explaining their position. If the search provider does provide us with a submission letter they should also send a copy to you. To ensure that you receive this we will write to tell you if one has been provided and to ask that you put in writing any comments that you may have.

Our proposed decision

- Once we have all the information we need, your Adjudicator will let you know their proposed decision within 90 days. If it's going to take longer, we'll let you know.
- We will send a copy of our proposed decision to you and the search provider to accept, reject or represent.
- You can represent if you have new evidence or you believe we have made a significant error.

New evidence or errors

- You and the search provider can represent against the proposed decision - this could be because you can provide new information or proof that we have made a significant mistake, this needs to be within 21 days of receiving the proposed decision.
- You will be able to comment on any new evidence from the search provider if they represent and vice versa, if it could change the decision.

Our final decision

- After any representation we will make our final decision, which you can accept or reject (you can't represent).
- If you do not agree with the final decision, you can reject it and follow up your complaint elsewhere.

Making sure the search provider complies

- If we make a financial award, the search provider will have 28 days to pay you. If they do not pay, we will pass the case to CoPSO/PCCB.
- In the rare case that a search provider fails repeatedly to comply with the search code, the organisation can be subject to a range of disciplinary sanctions imposed by PCCB or CoPSO.

Stage 4 – formally reviewing your complaint

If we haven't been able to help you come to an agreement during our initial negotiation, we will do a formal review of your complaint.

If the search provider made you an offer during the negotiation, it expires as soon as we start our formal review.

Preparing for the review

We will:

- send your Complaints Form to the search provider, with any relevant supporting documents
- ask the search provider to send us their file within 21 days, and at the same time ask that if they have anything further to add to their side of the complaint, they send you a submission letter for your comment
- write to let you know when we've asked the search provider for their file
- ask you for any extra information we need about your complaint

What you need to do

If the search provider provides any further comments in the form of a submission letter, please send us any comments you have within 14 days. We will already have a copy of their letter, so you don't need to send your copy to us. If you don't receive the submission letter and we have confirmed that one has been provided, please let us know.

When we have your comments, and everything else we need to consider your complaint, we will be ready to begin our review and will write to let you know.

When we have everything we need

We work to a 90-day timescale from the date we have what we need.

As we said on page 1, it can take between three and five months to complete the process. However, for most cases, we work to a 90-day timescale from the date we have received all the information and documents we need to make a decision.

When the review starts and how long it will take depends on various things, including:

- how quickly you and the search provider can send us what we need
- how complex the complaint is
- the number of other complaints we're investigating at the time

We will write to let you know when we have what we need to begin, and again if your case is going to take longer than 90 calendar days to review.

We allocate an adjudicator

When we have what we need, we will pass your case to one of our adjudicators. They will review all the documents we have from both you and the search provider in line with our timescales.

If they have any questions or need more information or documents, they will get in touch with you or the search provider.

Making our recommendations

When the adjudicator has taken everything into account, they will write a review giving their findings and send it to you and your search provider. This is the proposed decision.

Stage 5 – our proposed decision and how to represent against it

What is a proposed decision?

Our proposed decision is our adjudicator's review of all the evidence of your complaint. It shows you whether or not we support your complaint and, if we do, what the search provider should do to put things right, including paying any compensation.

You can either accept it or represent against it. You can also reject it if you want to take your complaint to another organisation or the search provider's insurance. The search provider can also represent against the decision, but they cannot reject it.

When we have made our proposed decision

We will send the proposed decision to you and the search provider at the same time, so you can both consider it.

If we support your complaint

If the adjudicator supports your side of the complaint, they may award you compensation or recommend actions for the search provider to settle the dispute. What and how much depends on the aggravation, distress and inconvenience the search provider has caused you.

If the search provider's actions have caused you genuine and measurable financial loss, the adjudicator will take that into account for their review and any compensation they award.

If you want to represent against the decision

If the adjudicator doesn't support your complaint or you disagree with their proposed decision, you can represent by proving we have made a significant mistake – for example if we missed a complaint letter or misinterpreted the facts. You can also send us evidence that wasn't available before if it will affect the decision.

You need to send your explanation about any mistakes and any new, relevant evidence to us within 21 days of the date you receive the proposed decision.

When we receive your representation

If we agree with your representation – or the search provider's representation – we will take it into account for our final decision. There's more about this in Stage 6.

If we don't agree with your representation, we will let you know why in writing.

If you don't accept the decision but do not represent

You could try going to court or asking the search provider's insurer to look at your case. See Section 5 for other organisations that might be able to help.

Stage 6 – our final decision and awarding compensation

If you and the search provider both accept the proposed decision, it will become the final decision. If either of you represent, we will reconsider and write to you both with our final decision.

What is the final decision?

Our final decision is when we look at all the information, including representations, and write to let you know whether we support your complaint. It also includes whether we have awarded you any compensation.

In our final decision, we may also direct the search provider to put things right in other ways. For example, making a formal apology or changing their processes to make sure there are no similar problems in the future.

If we award you compensation

If we support your complaint, we may ask the search provider to pay you compensation for:

- any financial loss you suffered because of what happened (that you have shown us evidence for)
- any aggravation, distress or inconvenience the search provider caused you

The maximum we can award for complaints against one of our member search providers is £5,000. If we resolve a dispute for a different body – like an estate agent – the compensation limit can vary.

If you accept the final decision and compensation

You need to let us know within 14 days. We will then let the search provider know, and tell them they have 28 days to pay.

If you do accept, it will be in full and final settlement of your dispute, and we will ask you to sign an agreement to confirm that. If you want to take your complaint further by going to court, you should not accept the decision or compensation.

If you don't accept the final decision within 14 days

If you do not let us know you accept the final decision within 14 days, it will expire and we will close your case. If there are exceptional circumstances for the delay, let us know. We may be able to extend the time limit.

You don't have to accept our final decision, but you cannot represent against it. If you don't accept it, you can take your complaint to court or find another organisation that may be able to help (see Section 5).

Section 4: What else you need to know

You can withdraw your complaint whenever you like

If you want to withdraw your complaint at any time – whether it's because of the time it's taking or you've just changed your mind – please write and let us know. We'll stop our review as soon as we hear from you.

Someone else can represent you if you prefer

You do not need legal representation during our review process. However, someone else can bring your complaint to us on your behalf, and represent you throughout the process if you like. It can be a legal representative or a family member for example. Whoever you choose, we just need to know their details and why you have asked them to represent you. You can let us know by writing to us at: The Property Ombudsman, Milford House, 43 – 55 Milford Street, Salisbury, Wiltshire, SP1 2BP or by email at admin@tpos.co.uk

We may use or publish details of your case anonymously

In line with the General Data Protection Regulations 2018 and our privacy policy (see www.tpos.co.uk), we may use a summary of your case, or part of a summary, on our website or in our annual report. We will make it anonymous if we do.

In line with the Consumers, Estate Agents and Redress Act 2007 or other relevant law, we may share details of your complaint with regulators, for example Trading Standards, and other approved schemes like ours.

We will never give personal or specific case details to anyone outside our organisation or PCCB/CoPSO without your permission.

You can ask us to consider an oral hearing

Oral hearings are very rare. We will only use them if it will make the process more accessible for you – for example if you have difficulty providing or understanding written evidence. You can find out more at www.tpos.co.uk within the consumer section of our website.

Section 5: If you need more information

If you'd like more information about us and what we do, please go to www.tpos.co.uk or call us on 01722 333306.

You'll also find the answers to some of the most common questions from consumers at <https://www.tpos.co.uk/consumers/faq>

Other organisations that might help you

If we can't help with your complaint, we'll always suggest other organisations you can try. Here are a few examples:

PCCB/CoPSO: pccb.org.uk / copso.org.uk

Search Provider's Insurer

Legal Ombudsman: legalombudsman.org.uk

INNSA: innsa.org

General consumer or legal advice

Citizens Advice

Citizens Advice is a free service that offers assistance for a wide range of issues. Each country in the UK has its own website, which is listed below. You will need to select the website that covers the area where your problem has happened. For example, if you live in Scotland but have a problem with a used car you bought in England, you would need to visit the English website.

Citizens Advice England:
www.citizensadvice.org.uk

Citizens Advice Northern Ireland:
www.citizensadvice.org.uk/nireland

Citizens Advice Scotland:
www.citizensadvice.org.uk/scotland

Citizens Advice Wales:
www.citizensadvice.org.uk/wales

Citizens Advice consumer helpline: 03454 04 05 06

Textphone: 18001 03454 04 05 06

To contact a Welsh-speaking adviser: 03454 04 05 05

Textphone to contact a Welsh-speaking adviser: 18001 03454 04 05 05

Which? Legal

Which? Legal is an independent consumer champion that can help you resolve your legal problems for a small monthly membership fee.

www.legalservice.which.co.uk

LawWorks

LawWorks is a charity working to connect volunteer lawyers with people in need of legal advice, who are not eligible for legal aid and cannot afford to pay for legal services. The website has a search facility to find a service in your area.

www.lawworks.org.uk

Some universities run limited free legal advice clinics. It may be worth checking their website and searching for “legal advice” or “legal clinic” to see if they can help.

Section 6: If you're unhappy with us

We work hard to make sure we give everyone who contacts us an efficient and helpful service. So we take complaints about our service very seriously.

If you're not satisfied with the way we have handled your complaint, at any point in the process, please let us know. This does not include if you're unhappy with the Property Ombudsman's final decision.

Making a complaint about us

1. If you're not satisfied with our service, firstly tell the person dealing with your case. Usually, they will be able to resolve it for you straight away. If you are not comfortable dealing with the individual concerned you can put your concerns to their Line Manager.
2. If the person dealing with your case and/or their Line Manager has not been able to resolve your complaint you can ask for it to be considered by a Senior Manager. You will need to do so within one month of the date of the closure of the case. Your complaint will usually be considered by either the Deputy Ombudsman or the Director of Operations and they will respond to you within one month of receiving your complaint.
3. If you remain unhappy after receiving a response from the Senior Manager you may refer your complaint to the Independent Reviewer. You will need to do so within one month of the date of receiving the response from the Senior Manager.
4. The Independent Reviewer is appointed by the Board of The Property Ombudsman (TPO) to consider complaints about TPO at the final stage of the service complaint process. Please note that the Independent Reviewer's remit is to consider complaints about our service and not the reasoning of the Ombudsman's decision. The Independent Reviewer's full terms of reference can be found at www.tpos.co.uk/about-us/independent-reviewer. You will receive a response to your complaint within one month of the Independent Reviewer receiving it.

You can write to the Independent Reviewer at:

Claire Evans
Independent Reviewer
PO Box 2957
Romford RM7 1QX