



## **COMPLAINTS PROCEDURE HANDLING DEPOSITS AND MEMBERSHIP OF THE SCHEME**

This procedure can be used by tenants, landlords and agents.

The Scheme is committed to providing a good-quality service for protecting tenancy deposits and ensuring they are paid out promptly. We hope you are satisfied with the service we provide. However, as in any other organisation, things can go wrong. Either as the tenant, the landlord or the agent, you may feel that we did not handle your business as we should have done.

### **Can I complain against the Scheme Administrator?**

**YES**, if you want to complain about:

- how the deposit was handled by the Scheme Administrator or her/his staff by, for example, delaying the pay-out unreasonably, being rude to you or not keeping you properly informed
- refusal of your application to join the insurance-based scheme
- expulsion as a landlord or agent from the insurance-based scheme
- your subscription was miscalculated

**NO**, if you want the Scheme Administrator to change the pay-out of a deposit made following the resolution of a dispute.

### **How do I complain?**

If you think that the Scheme Administrator or her/his staff handled your business badly, please follow this formal procedure. It is in two stages. If you are not satisfied at the first stage, you can take your complaint to the next.

Please ask us if you need help with any stage of this procedure

### **Stage 1**

If you are unhappy with the way the Scheme Administrator or his/her staff handled the deposit, or your membership of the Scheme, it will be easier for us to handle if you write to or email the Company Secretary stating your reasons. You can ask someone to help you put your case in writing if you wish. However, if that is difficult for you, please phone us. Please quote in your letter the deposit reference or membership number you were given when you were registered with the Scheme. The Company Secretary will write to

you within 5 working days to tell you that your complaint has been received. In her/his absence, another senior member of staff will write to you.

Your complaint will then be considered by a Senior Manager who was not involved in the matters about which you want to complain. S/he will first look at the nature of your complaint. ***If s/he considers that you want to appeal against the pay-out of a deposit made following the resolution of a dispute, he will reject your complaint.*** If s/he considers that you are complaining about administrative errors or failures, s/he will investigate how the case was handled. You will be given a detailed response within 28 days of the receipt of your complaint.

## **Stage 2**

If you are not happy with the response you received at Stage 1, please write and explain why to the Independent Case Examiner (ICE). He deals with disputes concerning the allocation of tenancy deposits and plays no part in the handling of deposits by the Scheme Administrator or her/his staff.

The ICE will write to you within 5 working days to tell you that your complaint has been received. In his absence, a Deputy ICE will acknowledge your letter.

The ICE will consider your complaint. He will only take it further if:

- it is clear that you are not trying to appeal against the pay-out of a deposit made following the resolution of a dispute, ***and***
- you can provide new information, or fresh reasons to show that the detailed response given to you as a result of the investigation at Stage 1 is wrong. It is not enough to state that you are unhappy with it or to restate the arguments you previously put forward.

If he is satisfied the ICE may arrange a meeting with two Board members of The Dispute Service Limited to consider your complaint. They will not, in their day-to-day work, be involved in the letting of property in the private rented sector. These three people will look at all the papers and review the decisions taken at the previous stage. If he considers that it would be helpful, the ICE may invite you to attend the meeting. Complainants may bring someone with them to help them present their case if they wish.

You will be given a final response within 28 days of that meeting.

## **When should I complain?**

If your complaint is about the handling of your deposit, please note that you cannot start this formal procedure whilst we are still holding it. But if you believe your deposit is being mishandled, please do not wait until then — tell us straight away and we will try to fix anything that has gone wrong.

If your complaint is about your membership of the scheme, please note that you cannot start this formal procedure until the Scheme Administrator has given you his/her decision about it in writing.

You should make your complaint under Stage 1 of this procedure as soon as possible after your case is closed, and certainly within three months. Having done so, and if you are not happy with the response you receive at Stage 1, you should write to the ICE as soon as possible and certainly within three months. If your complaint is delayed beyond these time limits it may be rejected as being too late.

**What will happen if my complaint is proved?**

If the Company Secretary or the ICE conclude that we mishandled your deposit, they will recommend such action as they consider is necessary to put matters right and review the Scheme's procedures to ensure that it does not happen again.

If the Company Secretary or the ICE conclude that we mishandled your membership, they will recommend your re-instatement to the Scheme or recalculate your subscription as appropriate. The Scheme Administrator will comply with their recommendation.

If the Company Secretary or the ICE conclude that the mishandling they have found caused you financial loss, they may award you compensation up to the amount they consider you to be out-of-pocket.

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