

Procedure for complaining about the way the ICE handled your case



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

The Dispute Service is committed to providing a good-quality service for dealing with complaints. 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 the case as we should have done.

Can I complain against the Independent Case Examiner (ICE)?

No, if you want the ICE to change a decision with which you don't agree.

Yes, if you feel that your case was mis-handled by the ICE or the staff of The Dispute Service:

- by delaying it unreasonably, being rude to you or not keeping you properly informed.
- the ICE failed to take into account evidence which you submitted before your case was sent to an adjudicator (*please note:* we cannot consider evidence that was sent to us late or after the adjudication had been completed)
- the decision was wrong in law.

How do I complain?

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 It will be easier for us to handle your complaint if you complete the attached form. You can ask someone to help you if you wish. However, if that is difficult for you, please phone us. The ICE or another senior member of staff will write to you within 5 working days to tell you that your complaint has been received.

Your complaint will then be considered by one of the Deputy ICEs, one who was not responsible for the supervision of your dispute. S/he will first look at the nature of your complaint. S/he will reject your complaint if s/he considers that you want to appeal against a decision of the ICE; or if you have not produced evidence to support your allegations that the case was mis-handled.

If the Deputy ICE considers that, on the face of it, your claim may be warranted, s/he will investigate how the case was handled and report to the ICE. He will consider the DICE's findings and reply to you. We will aim to give you a detailed response within 20 working days of the receipt of your complaint.

Stage 2 If you are not happy with the response you received at Stage 1, please write to the Chair of the Board explaining why. The Board of The Dispute Service Limited plays no part in the handling of cases by the ICE or his staff. It has up to ten members – three to reflect the interests of tenants, two to represent letting agents, three to represent the professional bodies regulating agents, and two independent members reflecting the wider public interest. The Chair is always one of the independent members.

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

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

- it is clear that you are not trying to overturn a determination of the ICE, and
- you can provide new information, or fresh reasons, to show that the detailed response given to you as a result of the Deputy ICE's investigation (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.

The Chair will generally deal with your complaint in writing, but at his discretion he may arrange a meeting with two other Board members to consider your complaint. The Chair will invite you to attend the meeting. You may bring someone with you to help you present your case if you wish. They will review the decision taken at the previous stage, taking account of the additional information or reasons provided, but they will not substitute the Independent Case Examiner's adjudication with their own.

You will be given a final response within 20 working days of the Chair receiving your complaint, or within 20 working days of that meeting as appropriate.

When should I complain? ?

Please note that you cannot start this formal procedure until our consideration of your case is completed. But if you believe your complaint is being mishandled, please do not wait until then – tell us straight away.

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 Chair of the Board as soon as possible and certainly within three months from the date we sent you the response to Stage 1. If your complaint is delayed beyond these time limits it may be rejected as being too late.

What will happen if my complaint is upheld?

If the Deputy ICE or the directors conclude we mishandled your case, 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.

I want to complain about the way the ICE handled my case



Your case

Case reference number

Address of the property concerned

	Postcode

Your details

Name	
Current address	
	Postcode
Daytime phone number	Email

I feel my case was mis-handled because

(please tick as appropriate and give details in the spaces provided, further complaint choices follow on the next page)

It was delayed unreasonably, staff were rude to me or I was not kept properly informed

Please specify:

Please continue on another piece of paper if necessary

The ICE failed to take into account evidence which I submitted *before* my case was sent to an adjudicator

Please specify, and attach a copy if possible:

Please continue on another piece of paper if necessary

The decision was wrong in law

Please specify:

Please continue on another piece of paper if necessary

Your signature

	Date
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Please return the completed form by post, fax or email using contact details given below:

Post: TDS Limited, PO Box 1255, Hemel Hempstead HP1 9GN **Fax:** 01442 253 193 **Email:** deposits@tds.gb.com