

# Procedure for complaining about the way the Independent Case Examiner 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.

We consider all complaints seriously and ensure they are dealt with fairly and diligently. We aim to carry out any investigations professionally and courteously. We expect at the same time to be treated by all parties involved in a similar manner. We will not continue to respond with any party who we consider is being aggressive, rude or threatening in attitude to any member of our staff during this process.

## Can I complain against the Independent Case Examiner's (ICE) award?

**NO,** We will reject a complaint if you want to change a decision with which you disagree.

## Can I complain about how the case was handled?

**YES,** if you think:

- the decision made was wrong in law
- the adjudication failed to take into account evidence you submitted within the time specified
- TDS staff delayed the adjudication unreasonably, were rude to you or did not keep you properly informed.

## 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.

**Stage 1** Please write to or email the ICE, stating the reasons for your complaint. You can ask someone to help you put your case in writing if you wish. You should make your complaint under Stage 1 of this procedure as soon as possible after your case is closed, and certainly **within four weeks** of the date on the *Report of adjudication* (TDS 3). Please quote in your letter the case reference number on the report of adjudication. The ICE will write to you within 5 working days to tell you that your complaint has been received. In his absence, another senior member of staff will write to you.

Your complaint will then be considered by a Deputy ICE or another senior member of staff who was not involved in the original consideration 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:

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- want to change a decision with which you disagree
- want to introduce new evidence which, in her/his opinion, would have been available to you when you submitted your TDS 2 *Notice of deposit dispute* or TDS 6 *Response to deposit dispute*
- have not produced any evidence to support your complaint
- have submitted your complaint too late.

If the investigator considers that you are complaining about administrative errors or failures, s/he will investigate how the case was handled and report to the ICE who will consider his/her findings and reply to you. You will be given a detailed response within six weeks 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 as soon as possible and certainly **within the following two weeks**, to explain why. The Board of The Dispute Service Limited plays no part in the handling of cases by the ICE or his staff. It has five members: two representing the professional bodies regulating agents, and three 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 put forward previously.

If he is satisfied the Chair will look at all the papers and review the decisions taken at the previous stage. You will be given a final response within six weeks of the receipt of your complaint, or within four weeks of the meeting if there is one. **You cannot make a further complaint:** there is no Stage 3.

### 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.

If your complaint is delayed beyond the time limits specified above it will be rejected as being too late.

### What will happen if my complaint is upheld?

If the conclusion at either stage is that we mishandled your case, the person responsible will recommend such action as they consider necessary to put matters right. They will also review the Scheme's procedures to ensure that it does not happen again.